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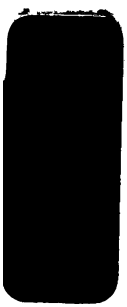

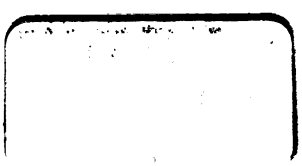

John Stainthorpe

THE

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VOL. LXVII.

FOR THE YEAR M.DCCC.LXXVI.

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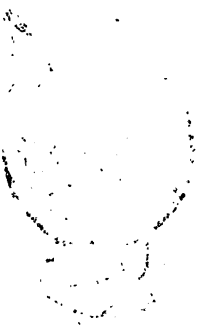
FOUNTAINS ABBEY, FROM THE SOUTH.



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1878.

# MEMORIALS

OF THE

# ABBEY OF ST. MARY OF FOUNTAINS.

COLLECTED AND EDITED BY

JOHN RICHARD WALBRAN, F.S.A.

VOL II. PART I.

"Et vocatus locus ille Fontes, ubi extunc et deinceps, tanquam de Fontibus Salvatoris, tam multi hauserunt aquas salientes in vitam æternam." GUL. DE NEWBURGH, HIST. ANGL., LIB. I., CAP. XIV.

Published for the Society by
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EDINBURGH: WILLIAM BLACKWOOD AND SONS.
1878.

At a Meeting of the Council of THE SURTEES SOCIETY, held in the Castle of Durham, on Tuesday, the sixth of December, 1864—

It was ordered that "THE MEMORIALS OF FOUNTAINS ABBEY, VOL. II., should be edited by MR. WALBRAN."

JAMES RAINE,
Secretary.

At a General Meeting of the Surtees Society, held in the Castle of Durham, on the sixth of June, 1869—

"The Secretary was empowered to complete the volume on FOUNTAINS ABBEY which was left unfinished by MR. WALBRAN."

JAMES RAINE,
Secretary.

# PREFACE.

THE first volume of the Memorials of Fountains Abbey was issued to the members of the Surtees Society in 1863. The most casual observer could not fail to perceive that the Editor had found a congenial theme to which he had devoted himself with enthusiastic energy. The result of his labours, as was fit and proper, evoked much sympathy and admiration, and the Society desired him to continue the work, which he was so well qualified to carry through. It was Mr. Walbran's intention to print in the present volume the Royal charters of Privilege, and the Papal Bulls which had been granted to Fountains Abbey. At the time of his lamented decease he had only printed off five sheets, or 80 pages, in which the Royal Grants were completed and the Papal Bulls only commenced. In the editing of these Bulls he had set before himself a formidable task. By supplementing the grants which the Pontiffs had specially made to Fountains with their gifts of a similar character to other Cistercian houses in the country, he intended to set forth in this volume a complete Bullarium of the Order in England. Those who are fully cognizant of the magnitude of such an effort, and they are few in number, can understand the labour and the difficulties that must have attended it. Mr. Walbran never flinched from the work. The greater part of his materials was collected. All were systematized in his mind, and when this volume was finished it was his intention to give in other volumes the title deeds of the

357537

estates of the monastery, to be followed by the books of household, &c., in alphabetical order. For this also he had made very extensive preparation, and some of the seals attached to the deeds had been placed in the engraver's hands. The following is the breviate of the points on which it was his intention to dilate in the Preface to the present volume. It begins, as the reader will observe, where its predecessor closes, and carries on the history of Fountains to its abrupt termination. The Editor is unwilling to alter a single word.

## VOL. II. NOTES FOR PREFACE.

After the death of John de Cancia, little or nothing is known of the monastery until the time of Edw. I. In the meantime, however, circumstances must have occurred which materially affected the House. Tithes and parochial matters settled. Donations of land ceased. Abbots summoned to Parliament. Another sphere of action developed. Building ceased. Great social changes.

The maxim, "Happy is the people which has no history," cannot perhaps be applied in this instance. When some light is let in, temp. Abbot Otley, it shews the House in disgrace and debt. No such days as those depicted by Serlo. Either the abbot was in fault or some party of the monks had laid blame on him, for he is not inserted in the Catalogue of the Abbots, neither is his successor.

Beck's Furness about silver vessels given to F. by John, p. 171, anno 1206.

Towards the end of the century, much important church work was in hand. York Minster, *Vide* Addit. MSS. Gisbrough. Howden, *Vide* vol. F., p. 17, from Vavasor Charters, 1277. St. Mary's Abbey, Ripon, D(eputy) K(eeper) 27 Rep. p. 83, 12 Hen. III.

Temp. Hen. III. Articles objected by the French prelates against the Friars, Preachers, and Minors.

Ch(apter) H(ouse) Miscell. $\frac{52}{23}$

King at York, Christmas, 12 Hen. III. See D. K., 27 Rep.

Earl of Albemarle sheltered here (Fountains). Chron. of.

1290. Abbey in debt £6,373; reduced to £1,293. Reg. B. M. de F. in Bodl. Titus A. xix.

Prior of Malton took refuge here. Abbot summoned to Parl. See Vol. I. Scenes and matters in which they took part.

1298. Corbridge about to visit. Regist. Corbr.

1306. Trouble about a vagabond monk.

1307. Chancellor Hamelton died here. Note from Fine Roll about clerks of Edward I.

Still farming kept up. Archbishop wants horses.

Soon after he writes about adultery of Conversi.

1310. Ripon parish interdicted. Monks would celebrate nevertheless.

1311. The Templars afflicted. (Wilkins' Conc. II.) Brethren of the Cist.

1313. Scots' incursion. (Coram Rege Roll, Pasch., 15 Edw. II., 20, 70. Battle of Boro'bridge, 16 Mar., 1322. Abbey attacked. *Chron. Lanercost.*

1316. Pat. Roll., 9 Edw. II., n. 25 d. Knaresbrough castle devastated, etc., 8 Rep. 184.

1317. Ruins of Granges, Rot. Pat. ii., Edw. II., m. 6. Tax. P. Nich., 8th Rep. D. K., Appendix, 2, 189. Papal Extortions, Pat. ii. Edw. II., m. 9, and 31 part 2.

1344. Some Granges invaded. General remarks on violence. Middleton's Raid, Vol. 8, p. 180. Dods., etc. Vatican Papers, tom. xvi., 15365, or 6. Many curious Letters to Cardinals in England, and an attack made on them by Gilb. de Middleton, son of Belial, fo. 212, etc., 152, 469. Long letter from the Pope to Thomas of Lancaster, 7 Nov., 1317, fo. 350 and 409.

1363. Effects of war on the granges. Cellarer gives evidence on the Scrope and Grosvenor matter. Coming of Henry IV., from the Chron. in the Bodl. Dodsw., 140, fol. 98.

Richard II. in Scotland, 6 Rep. D. K., Appendix, p. 14.

1410. Roger Frank appointed and consequent row.

1413. 1, 2, 3, 4, Henry 5. Assize Rolls, Ebor. Rolls, Plea Rolls. In mem. vi. p. 419, 1 H. 5., mention is made of suits then "in curiis nostris."

1416. 3, H. 5. Coram reg. Commiss. to try treason at Masham.
Vat. Papers. Vesp., F. 13, fol. 29.

Rom. Roll and Franc. for king's letter to pope.

1422. Circa 10 H. 5 or 1 Hen. 6. A plea betw. Ratclyffe and abbot of F. before the Council.

1 H. 6. Assize and coram rege rolls.

1428. Year Book, circa 7 H. 6. Pasch. Rot. 18. 9 Hen. 6, Trinit. Rot. 21.

Ibid. Michis No. 8. 11 H. 6, Pasch. rot. 11. Ibid. Pasch. rot. 18. Vid. Tanner, and then the Coram rege rolls.

1443. Row betw. Sir J. Nevill and F., 21 H. 6. Assize and coram rege.

1444. Another row, parties not named. Gaol deliv. rolls, for illustrating these and rolls of parl.

1442. Greenwell elected.

1454. Act of Parl. 33 H. 6, to relieve F.

1454. 36 H. 6, Lord Clifford's son here ill.

1454. 2 writs, "ne exeat," sued out to restrain a monk from leaving the kingdom (Swinton).

1454. A trial at Lent assizes, York, and rest of year. (Swinton, 32).

1456. Divers suits. Esby in prison in London on suit of W. Hull. Coram rege and ass. rolls. Exchequer rec. "Materia de Banke."

1455-6. 34 H. 6. Privy Seals had. Vid. 5 Rep. appx. 2, 34, 10 Rep. 8.

Duke of York at Swanley. Compot. 28. Companagium.

Counsel's fees paid at York about Crosthwaite ch. in Eccles. Court.

Chancery petitions. One paid for speaking to the chancellor. 5 Rep., No. 12, 16, 20, 21. Cal. 10 Rep. 8.

Monks were at York assizes in this year.

Monks at Knaresbrough court.

1457-8. A privy seal brought by king's messenger.

Banks' affairs in court in London.

1458-9. Litigation continued.

1468. Servants maltreated at Galphay. Assize rolls, 8 and 9 Edw. 4.

1482. Fulshaw pulled down by the foresters. Comp. Stauri, 154, 174.
Edward Prince of Wales here.

1486. Huby evilly entreated.
Building commenced again at abbey and granges.
Frankland sends men to abbey lead works. Hutch. Dur.; 499, from Cott. MS., Titus B. 1, f. 295. Fiddes' Wolsey.

1530 *circa*. E. of Northumberland complains to Wolsey about Thirsk. Burnet says (vol. book, 3, 175), that Wolsey ordered a visitation of the north. Qy., as legate or as abp. See his Regr. As to favour see Vesp. F. 13, fol. 75, 77, 79, 109.

Brewer's Cal. State Paper publications.

1534. Acknowl. of supremacy made by rel. houses (7 Rep.), F. not included. Vide Hutch. Dur. i., 511; Strype.

Cromwell made vicar genl., but com. is lost or not enrolled, Burnet, vol. 1, 173. Proved all wills above £200.

Annuities paid temp. Leo. X. Harl. MS., 1850, 1 T. Harl. Cat. 2, 262.

1534-5. 26 H. 8. Act directing Val. eccl. to be taken. (Exam. with val. after diss., Hen. 8, and instructions for knowing yearly income of all monast., coll. ch., &c. Orig. on vellum). Also a commission for same purpose, 30 Jany., 1535. Cleop. E. iv., fo. 167. See also Harl. MS., 791, fol. 5-18, 23. Very important. *N. E.* of Burnet.

Rich., Ld. Latimer, and W. Ld. Conyers, to Hen. 8. Report of proceedings as commissioners for the N. and W. Ridings. Snape, April 28. Vesp., F. 13, fol. 110. See also fol. 118*b*.

1535. Abp. Lee and commiss. to Cromwell about valuations and objections. Cleop. E. iv., fol. 308 and 9.

Layton advises Cromwell to visit. Burnet, i., 174, quoting Cleop. iv., but there is no such letter there. Vid. *N. E.* of Burnet.

1535. July, Abp. Lee's letter to Henr. 8. Cleop. E. vi., 234, 239, 245, 250*b*.

Layton wishes Self and Legh to be employed in visiting. Had made a boke of articles for Cromwell's visit this tyme 12 months. Cleop. E. iv. Wright's Letters, p. 175. (Qy., if not same articles as partly in Layton's hand in Cleop. E. iv.)

1535. October. Visitation of Mon. begun. Burnet, i., 175.

Articuli Regiæ inquisitionis in monasticam vitam agentes, with additions in Layton's hand. Cleop. E. iv., fo. 11. Printed in Burnet, vol. i., appendix. Gent. Mag., 1804. West's Furness, p. 143.

1535. General injunctions to be given in all monasteries. Cleop. E. iv., fol. 21. Burnet, i., appendix. West's Furness, 143.

"Crimina comperta in variis monasteriis." Cleop. E. iv., fol. 147-161. Compendium compertorum per D. Legh and D. Layton in visitatione regia domorum religiosorum in comit. Northf., Derb., Nott., Ebor., Dur., West., Cumb., Lanc., and Ches., from a book lately found in the Duke of Devonshire's library, at Hardwick, which had been copied for the use of the Earl of Shrewsbury, temp. E. 6, from the original, which was destroyed in Q. Mary's reign. Tr. for York, lent to Thoresby by De la Prime. D. L. 89, 8vo.

1535-6. 27 H. 8, cap. 27. Court of Aug. erected. Miscell. Books, Aug. off.

27 H. 8, cap. 28. Lesser mon. dissolved. Vide M. A. vi., ad finem.

19 Jany., 26 H. 8. Thirsk resigns to the visitors.

20 Jany. Visitors inform Cromwell of the fact.

"Articles wherein the visitors have not made sufficient allowances."

Cleop. E. iv., fol. 306.

Pilgrimage of Grace, 1536-7.

Letters relating to Aske's reb., from Miscell. State Papers, 1501-1726, London, 1778, 4to, from Harl. 6989. See letters of Hen. 8, Harl. 283. fol. 76-80. Complains of York gentry, 83 and 85. See also Harl.. 604, fol. 58.

1536. July. Cromwell appointed vicegerent (Burnet i., 174). Lord Herbert saw the commission. His papers are in liby. of Corp. Xti., Oxon. (Barnard, 69).

1537. 28 and 29 H. 8. July Assize at York, when Robert Moresby A. of Whitby, and A. of Salley were tried.

Council of the North report their proc. at York assizes, 22 Aug., 1537. Calig. B. 3, fol. 280. Ibid. 274.

1538. Nov. and Dec. Valuation of certain abbeys surrend. co. York and Notts.

Cleop. E. iv., fol. 300.

Pensions granted to divers before diss. of F. Addit. MS., 9781.

Leases granted by A. of F. before diss.

Form of a king's letter for taking surrender. Cleop. E. iv. fol. 192.

See D. K., 8 Rep. Appx. 2, for a privy seal. Commission of this kind.

1539-40. 31 Hen. 8, cap. 18. How leases made of manors belonging to monast. diss. and assured to the king shall take effect. Called Stat. of diss., 8 Rep. D. K. p. 13.

Hy. Jenkins at F. His dep. as to age. Copied, p. 73. Strype.

1539. 26 Nov. 31 Hen. 8. Surrender of Fountains. See 8 Rep. about local and monastic names.

Col. of Close rolls at and before this period, and other surrenders.

Opinion that Houses were forfeited by breach of trust, see 9 Rep. appx. p. 246.

Decline of popish feeling at Ripon in giving to St. Wilf. Shrine. Add. MS., 24, 837.

Cromwell appointed general steward. Chap. Ho. Rec., v. 232.

His account book and presents. Ibid.

Fountains proposed as a cathedral. Quote letters to show state of religion.

Those in Peck long after. Masham court. Dep. York Fabric Rolls. Cleop. E. 5, fol. 293, 327. Cleop. E. 6, Hy. 8 to York clergy, 234, 239, 250.

1 Oct., 1540. Fountains granted out. Beckwith's dishonesty, Prior dep. Aug. office. Order and dec. C. of Aug., 31 H. 8-7 E. 6. Order for payment of a debt due from the A. and C. of F., vol. 12, p. 436. As to grants, 9 Rep. D. K. p. 21.

1543. 34 and 35 H. 8. Gaol deliv. York about the men who stole the lead from Fountains.

36 H. 8. Commission under great seal to enable abp. of York to dispose of the government of St. M. M. and St. John's Hospital at Ripon, and to visit and reform the coll. ch.

Deeds brought into court of Aug. to be examined. Leases. How necessary, see a forgery case, Harl. 2095, fol. 171, and a bill in Parl. Journals H. of Com., vol. 1. Privy council books.

1546. 14 Feb., 1546, 37 H. 8. Commission to abp. of York to survey all coll. churches, chantries, &c. Lansd. 830. Printed in Stevens.

A draft of an act for keeping hospitality at the places of the diss. abbeys. Monks to be closely confined to their abbeys. Cleop. E. iv., fol. 182. Printed in West, 173.

Discourse on the destruction of abbeys, Cleop. E. IV., fol. 172. See also Addit. MS., 5813.

Value of church property generally. M. A. vol. 1, ad finem.

Spelman Hist., and fate of Sacr., with addit., and fate of proprietors. 2 edit., 8vo., 1853.

Division of Gresham's Property. Cal. Inq. P. M. G. Will recited.

1553. Pensions charged in 1553. 2d Rep., p. 207. V. 5, p. 233.

1555. 2 and 3 Ph. and M. Scrutiny to be made for lead, bells, jewels, that belonged to abbeys. Addit. MS., 4624, 86.

1559. Visitation of York province, 1559. S. P. Eliz., Vol. x.

Annuities formerly paid out of Aug. off., 1569-1608. 2 Rept., p. 248. Lists of religious who had pensions temp. Eliz. 13 Eliz., 1571, 5th Rept., p. 11.

VOL. III. PREF.

Disputes with churches about tithes.

Claus. 12 H. III. Sheriff of York to cause procl. to be made against giving lands held in capite to Religious houses, &c. *Vide* D. K., 27 Rep., p. 73.

Parlt. Rolls and Petitions.

Mr. Walbran never lived to write the Preface of which he has given us the heads. The first volume, as has been already stated, was published in 1863. The preparations for its successor began immediately afterwards. But in addition to this labour Mr. Walbran undertook a History of the Parish of Halifax, and was engaged also on a genealogical search requiring the minutest care, in which he was happily successful. Into these pursuits he threw himself with an enthusiasm of which few, if any, are capable. Visit after visit was paid to London and Oxford and other places, and the hours of the day were too brief for the unsated student. He would work, for instance, at the Bodleian during the whole day, and then, when the place was closed, would carry his books with him to the Radcliffe library, and work as long as he was permitted to stay. And this went on without intermission for months. On another occasion he went through a large portion of the early court rolls of the manor of Wakefield, a somewhat dreary task, as most persons will allow. It was otherwise with Mr. Walbran. He was in the seventh heaven of enjoyment. "My only regret is (as he wrote to me) that I have to eat and to sleep." And so he would work on until his

immediate object was attained, or he was thoroughly worn out, and then he would return to his home at Ripon, more exhausted than he liked to confess, to digest and systematize the treasures of information which he had amassed.

It was after one of these literary expeditions, in April, 1868, that his last illness came upon him at Ripon. He was sitting in his work room, a place detached from his dwelling house and reached by a stair of stone, surrounded by a chaos of papers, with a few books of reference on a little shelf in the corner. His occupation was index-making, when all at once he was smitten with paralysis which took captive the two parts of his system on which he most relied, his speech and his right hand. Curiously enough, Mr. Hodgson, the historian of Northumberland, whom Walbran ever spoke of with admiration and respect, was engaged on the same work when the same disease found him out. Hodgson recovered so far as to make some use of the speech that he had lost, and of the hand which had been benumbed; Walbran lingered on for a year in the same pitiable condition. He could utter a syllable or two occasionally, and generally preserved much of his intelligence of old persons and things, but not a word could he speak for the future, and the pen, which literally dropped from his hand when the disease first struck him, never came between his fingers again. Old friends came to see him and did their best to bring the comfort which he so sorely needed, and the tears would come into his eyes when they spoke of old familiar themes, such as Fountains and the Saint of Clairvaux, or other matters of weightier and nearer import. He drank in everything that was said, and his struggles to speak one single word in reply were painful to witness. It was all in vain. The speech was sealed and the hand was chilled, and there was no change until the last, which came to the sufferer after many months of patient endurance, on the 9th of April, 1869.

This volume goes forth as the last memorial of a painstaking and kind-hearted scholar. The text ends where he left it. The

Appendix consists chiefly of the papers which their author prepared for the Yorkshire Architectural Society, on the Cistercian abbeys in that county, and they appear here by the kind permission of that body. In themselves they are essentially connected with the subject matter of this volume. The account of the Lords of Studley is a little work known hitherto only to a few. When it was compiled, the author was denied access to many material sources of information. The Editor therefore has not scrupled to make great alterations in the text by his corrections and additions.

Mr. Walbran fills a worthy place on the roll of Yorkshire antiquaries. His earliest efforts were all directed towards the history of that county. Almost from childhood his aspiration was to be the historian of the Wapentake of Claro, in which his home was situated. The avocations of a professional life delayed this project, although he never gave it up. Afterwards, in more recent years, when the project of a great Yorkshire county history was mooted, and volunteers were sought to take the charge of particular districts, Mr. Walbran undertook that portion of the Wapentake of Morley which contains the extensive parish of Halifax. He was engaged upon this at the time of his illness, but the work is incomplete. The only historical work of his that stamps him as possessing the capacity of a county historian, is a history of Gainford, in the county of Durham, which deserves to be much better known than it is.

It was impossible for an ardent and enthusiastic temperament like that of Mr. Walbran to escape the influence of the abbey of Fountains, which was so near to his home. When Montalembert beheld those ruins, so touched was he by the sight that he threw himself on his knees in what was then known as the cloisters of the abbey, and vowed to devote the rest of his life to the history of monasticism. The result of this vow was "the Monks of the West." To Walbran the same ruins were familiar objects from his childhood, and he soon learned the lesson which it was

their mission to deliver. It was to his influence with Earl de Grey that the clearing out and the strengthening of the ruins is due. Not only did he superintend the excavations, but he almost lived on the spot whilst they were going on. It was with the same enthusiasm that he afterwards undertook for the Surtees Society the publication of the Records of the abbey. His zeal in the cause led him far beyond the annals of the single house which enthralled him. The history of the whole Cistercian Order became a speciality to him, and he was probably better acquainted with its literature and fortunes than any other scholar in Europe. No one who reads the two volumes of the "Memorials of Fountains" can fail to be struck with the varied information contained in the annotations. These were written for the first time on the margins of the slips which came to him from his printer. His old friend, Mr. Harrison, of Ripon, one of the worthiest and most genial of men, had the charge of the typography, and so fond was he of the theme, that he set with his own hands the greater part of the type of the first volume. The author and the printer bore each other a great love, and were within a few hundred yards of each other when the work was going through the press.

Mr. Walbran laboured under certain drawbacks. He never received a careful classical education, and to a comparatively late period of his life had very little acquaintance with original evidences. His professional career at Ripon did not allow him to be long absent from home, and his knowledge of antiquity was derived chiefly by making himself acquainted with the labours of others. To the end of his life he had very little personal knowledge of those vast stores of historical and ecclesiastical information contained in the Registry at York. It was to London and Oxford that he flew in the last years of his life, and the mere sight of his extracts is enough to shew the vast range of his reading. At the Record Office he was probably better acquainted with the various Catalogues and Deputy-

keeper's Reports than any Officer within the walls. I have heard amusing stories of the way in which, at times when he was annoyed at something, he would somewhat maliciously perplex a bewildered official by asking for a document, the repository of which he was himself in the end obliged to point out. At Oxford he turned over every page of Dodsworth's writings. He had scarcely time to systematize the vast stores of knowledge which he had acquired. If his life had been spared for a few more years he would have taken a far higher place among the historical students of the country.

It is fitting that the members of the Surtees Society should know that the whole cost of the present volume, and of the illustrations in both, is an offering from a munificent Vice-President, Mr. Akroyd, of Halifax, in whom Mr. Walbran in his weakness found a firm friend. The same generous patron of literature and art has purchased the historian's MSS., and has deposited them in the library of the Dean and Chapter of York, that they may be ready for use and reference when any one is found worthy to take up the prophet's mantle. The materials for the completion of the Memorials of Fountains Abbey are among them.

J. R.

SEAL OF WILLIAM INGILBY.

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SEALS FROM [illegible]

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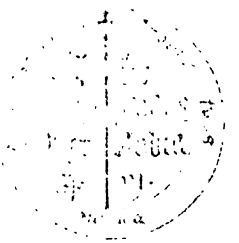


SEALS FROM THE FOUNTAINS DEEDS.

[SEAL OF THE COURT OF THE LIBERTY OF FOUNTAINS.]

# PART III.

## DOCUMENTS AND RECORDS RELATING TO THE FRANCHISES AND PRIVILEGES OF FOUNTAINS ABBEY.[1]

### I.—CONFIRMATIO REGIS STEPHANI, DE SUTTON, HERELHOWE, CAYTON, CUM LIBERTATIBUS.[2]

S[TEPHANUS], rex Angliæ, archiepiscopis, episcopis, abbatibus, comitibus, justiciariis, vicecomitibus, baronibus, et omnibus fidelibus suis, Francis et Anglis, totius Angliæ, salutem. Sciatis me concessisse Deo et ecclesiæ sanctæ Mariæ, et abbati et

(1) With few exceptions, these Documents and Records are taken from a Register of the Privileges granted to the Monastery by many Kings and Popes, including, also, a series of Papal Bulls granted to the Cistercian Order, from the year 1100 to the year 1490. It was written not long after the latter period, and is now preserved in the library of University College, Oxford. In the present imprint, the original arrangement of the instruments has not been strictly preserved, since, in many instances, they do not follow in chronological order. Probably, the Papal Bulls relating to Fountains were purposely destroyed at the dissolution of the abbey, as no subsequent trace of any one of them has been discovered, with the singular exception of the leaden seal, appended to one of Pope Innocent III., which was found in some rubbish outside the abbot's house, when the site was excavated a few years ago. In the schedule of "percelles of evidence," delivered to Sir Richard Gresham, the first grantee of the Abbey and many of its estates, by the King's Receiver, the Royal Charters of Privileges, also, were not included, except the first Charter of King Stephen; though those granted by Henry VI. and Edward IV. are now deposited in the muniment room at Studley Royal.

(2) An abstract of this charter occurs in the Coucher-book of Fountains, compiled towards the latter end of the fourteenth century. It reads "Turstinus" for "Thurstinus"—"Herleshow" for "Hercleshow"—and "Cheitunis" for "Caytunis."

monachis de Fontibus, qui sunt de Ordine Cisterciensi, pro Dei amore, et salute animæ meæ, et parentum meorum, et pro statu regni mei, duas carucatas terræ in Sutuna, quas Thurstinus, archiepiscopus Eboracensis, eis dedit et concessit in elemosinam perpetuam, cum omnibus rebus eidem terræ pertinentibus, in bosco, et plano, et pratis, et pascuis, et aquis. Et partem bosci de Hereleshow, per divisas et metas quas prædictus archiepiscopus eis fecit et statuit, in terra et in bosco; et sicut ipse eas eis, per cartam suam, confirmavit; et quæ recte pertinent prædictis terris. Et, præter hæc, concedo eis duas carucatas terræ, in duabus Caytunis, quas Eustachius filius Johannis eis dedit et concessit, cum omnibus rebus eidem terræ pertinentibus, in bosco, et plano, et pratis, et pasturis, et aquis, per divisas et metas quas Eustachius filius Johannis eis fecit et statuit, et quæ juste pertinent eisdem terris, et sicut Eustachius eas eis per cartas suas confirmavit. Quare volo et firmiter præcipio quod bene, et in pace, et libere, et quiete, teneant de omnibus auxiliis, et geldis, et danegeldis, et assissis, et placitis, et omnibus occasionibus, et quærelis, et scutagiis, et omnibus consuetudinibus, et omni terreno servitio quod mihi vel archiepiscopo Eboracensi, vel Eustachio, vel successoribus meis, vel eorum unquam pertineat, nunc et usque in sempiternum. [Ea] omnia eis, quieta et soluta clamo, et regia auctoritate, et a Deo collata mihi potestate, illi ecclesiæ imperpetuum obtinenda confirmo, et illibate permanenda statuo et corroboro. Testibus T[urstino] archiepiscopo, et A[lexandro] episcopo Lincolniensi, et Audoeno, episcopo Ebroicensi, et Johanne, episcopo Sagiensi, et Adel[ulfo] episcopo[1] Carliolensi, et R[ogerio],[2] cancellario: apud Eboracum anno incarnationis Dominicæ M°.C.XXXV°; Et anno regni mei primo.

*Fol.* 1.

## II.—IDEM CONFIRMAT DONATIONEM T[URSTINI] ET H[ENRICI] EPISCOPORUM, ET ALANI, COMITIS BRITANNIÆ.

S[tephanus], rex Angl., archiepiscopis, episcopis, justiciariis, vicecomitibus, baronibus, ministris, et omnibus fidelibus suis totius Angliæ, salutem. Sciatis me concessisse Deo et ecclesiæ

(1) He is called "Athelulf' Carlol. Episcopo," in the charter of King Stephen "De libertatibus Eccles. Angl." (*Stat. of the Realm*, vol. i.); "Adelulphus, Kardulise Episc." (*Chron. W. Thorn., X Script.*, col. 1803); "Adelwoldus," (*Act. Pont. Ebor., Ibid.* col. 1717); "Arnulphus," (*Chron. Joh. Brompton, Ibid.* col. 1020); "Adthelwlfus," (*Gesta Steph. Reg., Priory of Hexham, Surt. Soc.*, vol i. p. 98); "Aldulfus," (*Chron. Jo. Hagust., Ibid.* p. 115); "Addulfus."—*Ibid.* p. 166.

(2) *Rym. Fœd.*, tom. i. pt. i. p. 16.

de Fontibus et monachis ibidem servientibus, donationem illam quam Thurstinus, archiepiscopus Eboracensis, eis fecit, et quam Henricus archiepiscopus, successor ejus, eis fecit et carta sua confirmavit, et quam comes Alanus de Britannia, et alii barones et fideles regni mei, eis fecerunt, de terris et aliis tenuris. Quare volo et firmiter præcipio quod prædicta ecclesia et monachi, terras et tenuras illas, bene et in pace, libere et quiete et honorifice, teneant et habeant, in bosco et plano, in pratis et pasturis, in aquis et stagnis, et in omnibus rebus et locis et pertinentiis earum, cum omnibus libertatibus et liberis consuetudinibus eisdem tenuris pertinentibus, ita liberas et quietas ab omni sæculari servitio et exactione, sicut prædicti domini eas illis dederunt et concesserunt, et cartis suis confirmaverunt. Testibus, Comite [Eustachio,][1] filio Regis, et Roberto de Ver, et W. Marc',[2] et Ricardo de Lucy, apud Gipeswic. *Fol.* 1.

### III.—CARTA REGIS HENRICI SECUNDI DE THELONEO.

H[enricus], rex Angl. et dux Normanniæ et Aquitaniæ, et comes Andegaviæ, justiciariis, vicecomitibus et omnibus ministris suis totius Angliæ et Normanniæ, et nominatim portuum maris, salutem. Præcipio[3] quod equi et homines et omnes res abbatiæ de Fontibus, et monachorum ibidem Deo servientium, sint quieti de theloneo et passagio, pontagio, et omni consuetudine, quocumque venerint. Et prohibeo ne quis eos super hoc disturbet, super decem librarum forisfacturam. Testibus, T[heobaldo] archiepiscopo Cantuariensi, H[ugone] episcopo Dunelmensi, R[oberto] episcopo Lincolniensi, Phil[ippo] episcopo Baioc[ensi], Er-

(1) This Christian name is supplied from an Inspeximus of this charter by King Edward II., A.D. 1312, where the witness is called "Com. E. fil. Regis." This Eustace, Earl of Boulogne, second son of King Stephen, died in the year 1152 (*Diceto, X Script.*, col. 527) aged eighteen years. —*Sandford's Geneal. Hist.*, p. 48.

(2) The surname of this witness appears also in the contracted form of Marc' in the Inspeximus of Edward II. just mentioned. I apprehend, however, that the person intended was William Martel, who, together with Robert de Vere, witnessed a charter of King Stephen, at York, and other charters of that monarch.—*Mon. Angl.*, vol. iii. p. 159. He appears also with Richard de Lucy as witness to a charter of Hugh abbot of Colchester, granted "instancia Reginæ Matildæ, gratia filiæ suæ Mariæ, Deo sacratæ; volentibus et confirmantibus illud, Rege Stephano, et filio suo comite Eustachio."—*Ibid.*, vol. ii. p. 885. He probably was in frequent attendance on King Stephen, and the same person who, along with Albreda his wife and Geoffry their son and heir, founded the Priory of Snapes, in Essex, in the year 1155.—*Ibid.*, vol. iii. p. 894.

(3) King Henry II. when at Laon, granted to the abbey of Clairvaux, by a charter which still exists, "quod omnes res monasterij Clarevallis, quas emerint vel vendiderint, vel ad opus suum deportare fecerint, sint quiete de theloneo et passagio et pontagio et omni consuetudine per totam terram meam, tam per terram, quam per aquam, quas servientes sui assecurare potuerint suas esse proprias.—*Archives historiques de l' Aube, ed. per Vallet de Viriville*, p. 247.

[nulfo], episcopo Lexov[iensi], T[homa], cancellario, Comite Reginaldo, apud Eboracum.[1] *Fol.* 10.

## IV.—CONFIRMATIO REGIS HENRICI SECUNDI, DE SUTTON, HERELES-HOW, COUTON, ALDEBURGH, DACRE, CAYTON, ET KYLNESAY, CUM LIBERTATIBUS SUIS.

H[enricus], rex Angl., et dux Normanniæ et Aquitaniæ, et comes Andegaviæ, archiepiscopis, episcopis, abbatibus, comitibus, justiciariis, baronibus, vicecomitibus, ministris, et omnibus fidelibus suis, Francis et Anglis, totius Angliæ, salutem. Sciatis me concessisse et confirmasse Deo et abbatiæ sanctæ Mariæ de Fontibus, et monachis Cisterciensis ordinis ibidem Deo servientibus, pro salute animæ meæ, et uxoris meæ, et filiorum meorum, et pro anima patris mei, et avi mei, regis Henrici, et omnium predecessorum meorum, donationem illam quam Thurstinus, Ebora-

(1) This charter appears to have been granted in or before February 1155, when the King left York, and soon after proceeded to the siege of Bridgnorth castle, in Shropshire.—*Chron. Gervasii, X Script.*, col. 1377. It was on this visit to the north that he regained, from William Earl of Albemarle, the castle of Scarborough, which he ordered to be strengthened by the erection of a great and goodly keep.—*Chron. Jo. Brompton, X Script.*, col. 1046. At that time, all the witnesses to this charter were in possession of their respective sees and honors mentioned in the attestation clause.—*Le Neve's Fasti*, pp. 4, 347, 138; *Gallia Christ.*, vol. x. col. 774; *Ibid.*, vol. xi. col. 361; *Chron. Gerv., X Script.*, col. 1377. Earl Reginald was, no doubt, the Earl of Cornwall, and illegitimate son of King Henry I., who died in 1175.—*R. de Diceto, X Script.*, col. 586.

Immunity from toll, in fairs and markets, is still enjoyed by a few of the tenants of lands which formerly belonged to Fountains, being also suitors of the Court Leet of "the late dissolved monastery." This is allowed on the production of a document, called "a Fountains charter," under the seal of the Court, of which an engraving will be found at page 1 of this volume. The earliest certificate of the kind which I have seen is copied below. The charter which it mentions as one of King Henry I. is the document now under consideration; the mistake, as to the reign, having probably arisen from a recital of it, as such, in the Letters Patent of Confirmation, granted by King James I. to Sir Stephen Procter, once owner of the abbey and many of its estates.

"*Liberty of the late dissolved monastery of Fountance, in the county of Yorke.*

To all Christian people to whome these presents shall come, I, Benjamin Norcliffe, Esq., Steward of the said Liberty, send greeting. Whereas tyme out of memory of man, and by confirmacion thereof by severall charters and grants of King Henry the 1st, Henry the 2nd, Richard the first, Edward the 1st, Edward the 4th, and the late King James of blessed memory, under their greate seales of England, made to the Abbey and monastery of Fountance aforesaid, the men and inhabitants of and within the said Liberty are, and ought to bee, exempt from paying any manner of tolls in any place within England and Wales, as by the records of the said late dissolved Monastery & Abbey remaining within me may att large appear; These are, therefore, to certifye all whome it may concerne that Ainderbie in the county of Yorke is of and within the Liberty, and that Thomas Fall, of Ainderbie aforesaid, is within the said Liberty, by vertue of the said prescription and of the said severall grants, is and ought to be free and exempt from paying of any tolls in any place throughout England and Walles. In testimony whereof, I, the said Benjamin Norcliffe, have caused the seale (*sic*) to bee hereunto put, the 5th day of May, in the xxist yeare of the raigne of our soverigne lord King Charles the second that now is, Annoque Domini 1669.

(*Seal of the Court, pendant.*) BEN. NORCLIFFE.

censis archiepiscopus, fecit eis de Suttuna, scilicet, duas carucatas terræ. Ex dono Roberti de Essartis et Raghen' uxoris ejus, totam terram de Herleshow, scilicet, tres carucatas terræ, in bosco et plano, assensu et confirmatione Henrici, Eboracensis archiepiscopi. Ex dono Alani comitis de Richemundia, grangiam de Couton more. Ex dono Rogeri de Moubray, grangiam de Aldeburgh et quandam partem terræ nemorosæ juxta Suttunam, ex dono ejusdem et uxoris ejus. Et donationem illam quam idem Rogerus et uxor ejus fecerunt eis, scilicet, ut habeant omnia necessaria sua in foresta de Niderdale. Et grangiam de Dacra cum pertinentiis suis. Ex dono Eustachii filii Johannis et Sarlonis de Burgo, duas carucas terræ in Caytona. Ex dono Willielmi filii Dunecani et Aeliz uxoris ejus, duas carucatas terræ et dimidiam in Kylnesay. Quare volo et firmiter præcipio quod prædicta ecclesia teneat omnes prædictas terras, et cæteras omnes quæ ab aliis hominibus eidem ecclesiæ rationabiliter collatæ sunt; ita bene et in pace, et honorifice, et libere, et quiete, sicut cartæ donatorum testantur, in bosco, et plano, in pratis, et pascuis, in essartis, in aquis, et stagnis, in viis, et semitis, et in omnibus locis, cum soca et saca, et toll, et theam, et infangentheof, et cum aliis omnibus libertatibus et liberis consuetudinibus suis, et quietanciis de sciris et hundredis, et themanetale, et geld, et dangeld, et placitis, et quærelis, et assisis, et scutagiis, et auxiliis, et omnibus occasionibus, et omni terreno servitio, et sæculari exactione. Testibus, Theobaldo, Cantuariensi archiepiscopo; Rogero, Eboracensi archiepiscopo; Thoma, cancellario; Reginaldo, comite Cornub; Roberto, comite Legrecestriæ; Comite Patricio; Eustachio filio Johannis; H[enrico][1] de Essex, constabulario; Ricardo de Hum[et,][2] constabulario; apud Brugiam, in obsidione.[3] *Fol.* 1.

## V.—BREVE EJUSDEM REGIS DIRECTUM MINISTRIS SUIS, SUPER CARTA PRÆDICTA.

H[enricus], rex Angl., &c. (*ut supra proxima*) justiciariis, vicecomitibus, et ministris suis de Eboracscira, salutem. Sciatis

(1) Probably the same Henry de Essex whose imprudence in dropping the King's standard, which he bore in a battle with the Welsh in 1157, ultimately led to the confiscation of his large estates, and his retirement to the abbey of Reading.—*Matt. Paris*, p. 99; *Brompton, X Script.*, col. 1048; *Chron. Gerv., Ibid.*, col. 1380.

(2) "Ricardus de Humet, constabularius Henrici regis Angliæ," A.D. 1170.—*Mon. Angl.*, vol ii. p. 880. He witnessed many of the charters of King Henry II.

(3) This passage, while it discloses the date of the charter, is of greater importance in being, probably, the only record of the presence of several eminent persons who accompanied King

me concessisse et confirmasse abbatiæ sanctæ Mariæ de Fontibus, omnes possessiones et omnes res suas quas juste tenent, cum soca, et saca, et toll, et theam, et infangentheof, et cum omnibus aliis libertatibus, et liberis consuetudinibus. Quare volo, et firmiter præcipio, ut prædicta abbatia, et monachi ejusdem ecclesiæ de Fontibus, sint quieti et liberi de themanetale, et de danegildis et auxiliis, et sciris, et hundredis, et assisis, et omnibus sæcularibus placitis, et omni alia sæculari exactione. Et prohibeo ne quis eis injuriam vel contumeliam faciat, sed teneant omnia sua bene, et in pace, et libere, et quiete, sicut carta mea eis testatur. Teste, comite Reginaldo, apud Burg[iam]. 1 *b.*

VI.—CARTA REGIS HENRICI SECUNDI, DE THELONIO.—[Ex Rotul. Chart., 5 Edw. II., n. 21, per Inspex.]

H[enricus], rex Angl., et dux Normanniæ et Aquitaniæ, et comes Andegaviæ, justiciariis, vicecomitibus, et omnibus ministris suis totius Angliæ, et nominatim de Eboracscira, salutem. Præcipio quod homines et equi et omnes res abbathiæ de Fontibus, et monachorum ibidem Deo servientium, sint quieti de theolonio, et passagio et pontagio, et omni alia consuetudine, quocumque venerint, et nominatim ad pontem de Burgo, tam per aquam tam per terram. Et nullus eos injuste vexet, nec disturbet, super decem librarum forisfacturam. Testibus, Henrico filio camerarii, et Ricardo de Canvilla; apud Blauncmon' in Walliis.[1]

Henry II. to the siege of Bridgnorth castle, in Shropshire, in the year 1155. It was occasioned by the refusal of Hugh de Mortimer to surrender that fortress, when Henry II. resumed possession of many of the estates of the crown which had been granted, by his predecessor, to several persons of distinction.—*Ymag. Hist. R. de Diceto, X Script.*, col. 531; *Chron. Jo. Brompton, Ibid.*, col. 1046.

(1) Although there is no internal evidence which enables us to ascertain, with certainty, the regnal year in which this charter was granted, I am somewhat inclined to believe that, since the King was then in Wales, it may have been procured soon after those which were granted when he was at York and Bridgnorth, in 1155; and in the year 1157, when he was engaged in an expedition against the Welsh.—*Chron. Gerv., X Script.*, col. 1380. It will be observed that it confers no privileges not previously conveyed by those instruments; and, therefore, its declaratory character, with reference to exemption from toll taken at the bridge of Aldborough, now called Boroughbridge, on the river Ure, coupled with the speciality of its direction to the Sheriff and other King's ministers in Yorkshire, lead me to suppose that the monks may have experienced some opposition, at that place, to their former grants, which the present charter or writ was intended to remove. I may perhaps venture a step further. The charter by which King Henry II. first granted the general immunity from toll, at York, in 1155, and from which the present document appears in a great measure to have been copied, was witnessed by Eustace Fitz John, then lord of Aldborough, a manor which was ancient demesne, and also particularly franchised, from its inclusion within the Honor or Liberty of Knaresborough. Now, this Eustace was slain in the Welsh campaign of 1157 (*Dug. Bar.*, vol. i. p. 90), and it is not improbable that the seizure of his

VII.—IDEM DE MALLUM, MALWATRE, ARNECLIFF, ET DE QUIS-DAM ALIIS.

H[enricus], Dei gratia, rex Angliæ, et dux Normanniæ, et Aquitaniæ, et comes Andegaviæ, archiepiscopis, episcopis, abbatibus, comitibus, baronibus, justiciariis, vicecomitibus, ministris, et omnibus fidelibus suis, Francis et Anglis, totius Angliæ, salutem. Sciatis me concessisse, et præsenti carta confirmasse, Deo, et abbatiæ sanctæ Mariæ de Fontibus, et monachis ibidem Deo servientibus, donationes quas subscripti eis rationabiliter fecerunt, in puram et perpetuam elemosinam, sicut cartæ eorum testantur. Ex dono Willielmi Percy, totam pasturam de maro de Malhom, sicut rivus vadit sursum usque ad viam de Malhom, et postea totam viam deorsum usque ad Dernebroke; et deinde Uden deorsum usque ad Erneclifum, et totam pasturam quam idem Willielmus habuit, ex illa parte, versus rupes. Et donationem quam Turstanus de Arches, concessione et assensu ipsius Willielmi, fecit eis de terra de Erneclif, secundum quod cartæ eorum testantur. Concedo etiam eis et confirmo donationem ejusdem

property soon after into the hands of the crown (*Mon. Angl.*, vol. ii. p. 819), a change of manorial officers, or some circumstance connected with these events, may have occasioned the opposition which I have supposed.

A little colour, too, may perhaps be added to this conjecture by the fact that the only Inspeximus or Confirmation of this charter which the monks ever obtained, was granted in the year 1311, just after Piers Gavestone had regained the Honor of Knaresborough, and disputes possibly may have arisen with his officers, similar to those which may have occasioned the grant which was inspected. Be this as it may, since neither the one nor the other are entered in the Register of the Privileges of Fountains, it may at all events be inferred that they were both obtained for a special and temporary purpose. It may be observed also that, on the same day on which the monks obtained this Inspeximus, they procured from the King, who was then at York, another charter of confirmation of some select estates, among which was included the privilege, conferred by Edmund Earl of Cornwall, Lord of the Honor of Knaresborough, of free passage in the rivers Ure and Ouse, between Boroughbridge and the City of York, without paying toll, pontage, or passage.

The names of the witnesses will not assist us in arriving at the date of this document. For Richard de Camville—ancestor to the Barons Camville of Clifton, in Staffordshire—after founding the Cistercian Abbey of Combe in Warwickshire, lived through the reign of Henry II., many of whose charters he witnessed, and died in 1191, at the siege of Acre.—*Mon. Angl.*, vol. i. p. 882; *Ibid.*, vol. i. pp. 424, 429, 514, vol. ii. pp. 302, 954, 978; *Chron. Jo. Brompton, X Script.*, col. 1208. As to the other witness—Henry son of the Chamberlain—whom I presume to have been son of Gerold the King's chamberlain, it appears from the Pipe Roll that he also survived King Henry II. (Henricus fil. Geroldi Camerarii debet xxvj*l.* ix*s.* vd. de scutagio exercitus Walliæ).—*Rot. Pip.*, 2 Ricardi I., *Essex et Hartford.* He had a son, "Warinus fil. Henrici fil. Geroldi Camerar.," living in 1199 (*Rot. Pip.*, 10 Ric. I., *Wiltescir*), who succeeded to the office of Chamberlain, and married Alice de Curci, Lady of Harewood in Yorkshire. "Warinus fil. Henrici filij Geroldi, Camerarius domini Regis—dedi, &c. Deo et S. Mariæ de Sibbeton, &c. Test., Alicia de Curci, uxore mea," &c. Seal; on a shield, two lions passant guardant: SIGILL. GARINI FILII GEROLDI.—*Dods. MSS. in Bibl. Bodl., Oxon.*, vol. lxviii. f. 7.

Willielmi quam eis fecit de Mallewatre,[1] et piscaria ejusdem aquæ, et donationem dimidiæ carucatæ terræ in Malhom, ex dono Ulf filii Roschilli, secundum testimonium cartæ ipsius Willielmi, et sicut eadem donatio facta fuit et concessa, in præsentia Capituli sancti Wilfridi de Ripona. Ex dono Aliz Carow, quæ fuit uxor Gaufridi Rothom', totam terram suam in Eboraco, cum ædificiis et pomerio et omnibus adjacentiis suis, sicut eam ipsis dedit et concessit, liberam et quietam de se et hæredibus suis, et sicut carta sua confirmavit. Quare volo et firmiter præcipio quod ipsa abbatia, et monachi in ea Deo servientes, omnia supradicta habeant et teneant, bene et in pace, libere et quiete, integre et plenarie et honorifice, sicut prædicti donatores ea ipsis rationabiliter dederunt, et cartis suis confirmaverunt. Testibus, H[ugone] episcopo Dunelmensi; Johanne, decano Sar[isburiensi]; Ricardo, abbate de Mortuomari; Willielmo filio Aldelini, dapifero; Randulpho de Glanvilla, Reginaldo de Curtenay, Hugone de Creisse, Thoma Bard[ulf];[2] apud Eboracum.[3] 1 *b.*

VIII.—[CARTA REGIS RICARDI PRIMI, DE CONFIRMATIONE LOCORUM, ET POSSESSIONUM NOSTRARUM, ET DE LIBERTATIBUS NOSTRIS.]
[Ex Rotul. Chart., 5 Edw. II., n. 21, per Inspex.]

Ricardus, Dei gratia rex Angliæ, dux Normanniæ, Aquitaniæ, et comes Andegaviæ, archiepiscopis, episcopis, abbatibus, comitibus, baronibus, justiciariis, vicecomitibus, ballivis, ministris, et omnibus fidelibus suis, salutem. Sciatis nos, pro anima patris nostri, et pro salute nostra, et matris nostræ, et fratris nostri Johannis, et omnium antecessorum et successorum nostrorum, concessisse, et hac carta nostra, confirmasse Deo et ecclesiæ sanctæ Mariæ de Fontibus, et monachis Ordinis Cisterciensis ibidem Deo servientibus, omnes concessiones et confirmationes, libertates et liberas consuetudines, quas rex Henricus, pater noster, eis fecit vel confirmavit, sicut in cartis ejus rationabilibus continetur. Præterea concedimus eis, et in perpetuam elemosinam confirmamus, omnia tenementa sua, cum omnibus aisiamentis et libertatibus ad ea pertinentibus, per divisas suas plenarias; scilicet,

(1) From a side note, written before the Dissolution, it appears it was then called Malwater terne.

(2) Thomas Bardulf, witness to a charter of King Henry II.—*Mon. Angl.*, vol. ii. p. 208.

(3) The date of this charter may be fixed between the 1st of September, 1174, when the predecessor of Richard abbot of Mortimer died, and the 26th of November, 1175, when John de Oxenford, Dean of Salisbury, was promoted to the Bishopric of Norwich.—*Gallia Christ.*, vol. xxi. col. 309; *R. de Diceto, X Script.*, col. 588.

ipsam abbatiam de Fontibus et grangias suas, videlicet, Morker, Sutton, Wartsale, Caiton cum Gollecroft, et cum terris suis de Merkynton et de Merkingfeld. Item grangias de Aldeburg, Birnebem, Dacram, et Burthweith, et logias Beuerley, scilicet, Popelton, Sixford, Dalhagham, Bramlei cum Notewhit. Item Galhagam cum terris suis de Laverton et de Kirkaby et de Brathweit, et totum escambium bosci et pasturæ quæ amiserunt el Su de Dakra,[1] per divisas suas plenarias, cum libertate ferarum forestæ suæ de Birnebem, et quicquid habent de feodo Rogeri de Moubray, vel Willielmi de Perceio, seu quorumlibet aliorum, per eorum donationem, vel venditionem, vel confirmationem, sicut in eorum cartis rationabilibus continetur. Grangiam etiam de Marton cum Caldwella, Balderby, Kirkabiswich,[2] Hamerton, Cuton, Buscabi, Kilnesei, Bordlei cum Malgemora et Malgewater, cum terris suis et pasturis de Malgum, et de Heton, et de Haukeswhit, et de Arneclif, et de Ketelwella, et de Conyestona, sicut rationabilis carta Herberti de Conyestona purportat, et præterea, pasturam ad quadraginta equas cum nutrimento trium annorum in Langestrod, ex dono Matildæ comitissæ de Warewyk, et quicquid habent in Langestrete de feodo Agnetis de Perci, sicut rationabilis carta, quam inde habent, testatur. Et forgias suas de Bradlei cum terris et aisiamentis eis rationabiliter acquisitis, et cum omnibus tenementis suis quæ habent de Asmunderby, et de Ingrithorp, et de Stodley, et de Aldefeud, Salleia, Cluderum, Steinley, Hewych, Disford, Hoton, Esebi, Neuby, Ainderby, Magneby, Dromundby, Parvo Buscby, et de Norcouton et Greneberga, et de Midleton, et de Multon, et quicquid præter hæc alicubi habent, sicut cartæ rationabiles, vel scripta dominorum rationabilia, vel donatorum, vel venditorum suorum testantur. Quare volumus et firmiter præcipimus quod prædicti monachi hæc omnia prædicta, libere et quiete et pacifice et integre et honorifice, habeant et teneant, in perpetuam elemosinam, cum omnibus pertinentiis suis in bosco, et plano, in pasturis, terris, et aquis, et in omnibus ubique locis, cum socho, et sacha, et tholl, et theam, et infangenethef, et cum omnibus aliis libertatibus, et quietanciis de assissis, comitatibus, tridingis, wepeltagiis, (*sic*) danegeldis, pecunia quæ ad murdrum pertinet, auxiliis, scutagiis, cartagiis, pontagiis, pedagiis, theoloniis, quæ ad nos pertinent, et opere castellorum et fossatorum, stallagiis, et om-

(1) An expression taken from a charter of Roger de Mowbray dated in 1176, whereby he granted Dalagh to Fountains, in recompence of lands which they had lost "el suth de Dacra."—*Coucher Book*, fol. 53b.

(2) Kirkby-Wiske in Richmondshire.

nibus tallagiis, placitis, et quærelis. Et præcipimus, super forisfacturam nostram, ne quis, super hiis, aut super ulla re, quæ a nobis vel antecessoribus nostris ea concessa fuerit, ipsos inquietare, vel quamcumque molestiam eis inferre, præsumat, quia tam ipsos quam quæ eorum sunt, in manu nostra, sicut propria et dominica, retinemus. Nec portare possumus, si quis eos vel sua vexare, seu quocumque modo minuere, aut libertates eorumdem interdicere vel impedire præsumpserit. Testibus, B[aldwino] Cantuariensi archiepiscopo; Waltero, Rothomagensi archiepiscopo; H[ugone] Dunelmensi, H[enrico] Baiocensi, J[ohanne] Ebroicensi, G[ilberto] Roffensi, episcopis; Comite Johanne, Willielmo de Maundevill, comite Essexiæ; Ranulfo de Glanvill, justiciario Angliæ; R[oberto], comite Leicestriæ; David, fratre regis Scotiæ; G. de Lucy; Huberto, decano Ebor.; P. de Ros, Adam de Bruis, R. de Aubign', Gaufrido Hag[et], R. de Withfeld, W. de Corcy. Data per manum W[illielmi] de Longo Campo, cancellarii nostri, primo anno regni nostri, xvii. die Septembris, apud Gaidington.[1]

Is erat tenor cartæ nostræ, in primo sigillo nostro. Quod quia aliquando perditum fuit, et dum capti essemus in Alemannia, in aliena potestate constitutum, mutatum est.[2] Hujus autem innovationis testes sunt hii. H[uberto], Cantuariensi archiepiscopo; H[enrico], Cantuariensi archidiacono; magistro Maugero, Ebroicensi archidiacono; Willielmo de Stagno, Roberto de Harecurt. Data apud Rupem Andeliaci, per manum magistri Roscel, tunc agentis vicem cancellarii, nono die Novembris, anno decimo regni nostri.

(1) The seal, at length, having been fractured, an exemplification of the document was obtained from King Edward I.

(2) King Richard was taken prisoner near Vienna, 20th Decr. 1192, and was released Feby. 2nd, 1194.—*Ymag. Hist. R. de Diceto, X Script.*, col. 668, 672. Howden says (p. 746) that the great seal was lost during his absence from England, and after his return, by way of replenishing his exhausted exchequer, he obliged those who held charters sealed with it to have them renewed under the new seal. The King's captivity imposed a great burthen on Fountains; for they not only obtained—no doubt by a heavy fine—a fuller and more comprehensive charter, on the same day when the old one was resealed, but also must have been deprived of the value of one year's wool which the Cistercian monks and Gilbertine canons subscribed towards his ransom.—*Diceto, X Script.*, col. 670.

The whole Cistercian Order, however, was bound in gratitude to the King; for in the first year of his reign, wishing, as Diceto says, "to consecrate the beginning of his elevation" to the Lord, he gave, for the use of its members congregating from different countries at the Chapter General, the annual sum of 100 marks.—*X Script.*, col. 648. Subsequently, and probably in lieu of this pension, he granted to the abbot of Citeaux the church of Scarborough, in Yorkshire, with its chapels, for the maintenance, during three days, of the abbots attending the Chapter General of the Order. The charters by which the church was conveyed and discharged from the jurisdiction of the Archdeacon of Cleveland, and the Papal Bulls confirming the transaction, are recorded in the second part of the Register of the Privileges of Fountains, containing those relating to the Order in general. They have been printed in the "Privilegia Ordinis Cisterciensis, Divione,

## IX.—CARTA REGIS RICHARDI PRIMI DE THELONEO.

Richardus, Dei gratia, rex Angl., dux Normanniæ, Aquitaniæ, comes Andegaviæ, archiepiscopis, episcopis, abbatibus,

1491," and in the "Regula, Constitutiones et Privilegia" of Henriquez, in the year 1630; but, since the existence of the former work was once doubted, and the latter is so very rare that it is not mentioned even by Le Long, in his *Bibliotheque de la France*, tom. i., pp. 801-815, when treating of works relating to the Order, I think they will find an appropriate place in this collection, especially since they are also important records in Yorkshire topography.

"DOMINUS RICARDUS, REX ANGLIÆ, MULTA DEVOTIONE AD SANCTUM ORDINEM AFFECTUS, DEDIT CISTERCIO ECCLESIAM PARROCHIALEM DE SCARDEBORG, CUM OMNIBUS CAPELLIS, PERTINENTIIS, LIBERTATIBUS, LIBERIS CONSUETUDINIBUS, TERRIS, DOMIBUS, ET DECIMATIONIBUS, IN TERRA ET IN MARI, SCILICET, IN PISCATIONIBUS, ET MERCANTIIS, CUM POTESTATE INSTITUENDI VICARIUM, NICHIL SIBI AUT SUCCESSORIBUS SUIS RETINENS, CUM MULTIS CONDITIONIBUS, MAGIS IN SPECIALI IN TEXTU DECLARATIS, AD PROCURANDUM ABBATES APUD CISTERCIUM, PER TRES DIES CAPITULI GENERALIS. ET SI ALIQUID SUPEREST USIBUS CISTERCII DEBET APPLICARI."

"Richardus, Dei gratia, rex Angliæ, dux Normanniæ, Aquitaniæ, et comes Andegaviæ, archiepiscopis, episcopis, abbatibus, comitibus, baronibus, justiciariis, vice comitibus, et omnibus ministris et fidelibus suis Francis et Anglis, salutem. Sciatis vos dedisse, et præsenti carta nostra confirmasse, Deo et ecclesiæ sanctæ Mariæ Cistercii, in puram et perpetuam elemosinam, pro anima regis Henrici patris nostri, et pro salute animæ nostræ et matris nostræ, et omnium antecessorum et successorum nostrorum, ecclesiam nostram de Scardeburc, cum omnibus capellis et cum omnibus aliis pertinentiis suis, de qua elemosina volumus abbates procurari apud Cistercium, per tres dies Capituli generalis. Si quid vero, ultra triduanam procurationem Cisterciensis Capituli generalis, de omnibus proventibus jam dictæ elemosinæ nostræ residuum fuerit, in propriis usibus domus Cistercii, sicut abbati et fratribus ejusdem domus visum fuerit, statuimus expendi; quam elemosinam ipsam ab eadem domo Cistercii nullatenus volumus imposterum alienari. Quare volumus et firmiter præcipimus quod prædicta abbatia Cisterciensis percipiat, teneat et habeat, imperpetuum, libere et honorifice, integre et plenarie, quiete, et sine omni molestia, et contradictione, et diminutione, prænominatam ecclesiam de Scardeburg, cum omnibus capellis, tam illa quæ ab antiquo in castello est, quam cæteris tam intra muros villæ quam extra. Et cum omnibus aliis pertinentiis suis, et cum omnibus libertatibus et liberis consuetudinibus suis, et cum omnibus terris suis, domibus, et decimationibus terræ et maris; et ne aliquando occasione vicariæ ecclesiæ de Scardeburg aliqua contentio vel contradictio adversus ecclesiam Cistercii suboriri possit, jus instituendi vicarium et quicquid juris habebamus in vicaria et quicquid circa hoc retinueramus nobis, integre domui Cistercii donamus, nichil penitus de omnibus retinentes. Sed et omnibus successoribus nostris, et aliis quibuscumque personis, factum nostrum perturbandi vel elemosinam immutandi, occasionem omnimodam penitus amputantes. Abbas autem Cistercii, pro arbitrio et voluntate sua, vicarium eligit et archiepiscopo præsentabit, qui vicarius, in præsentatione sua, jurabit super sanctum evangelium quod in omnibus fidelis erit ecclesiæ Cistercii et procuratari ejus, ne unquam damnum vel detrimentum reddituum scienter sustinebit. Quod si in hoc deliquerit, et tertio commonitus non emendaverit, ei vicaria auferatur. Hoc etiam adjiciendum decrevimus quod capellani, qui in ipsa ecclesia vel in capellis adjacentibus pro tempore deservierint, ecclesiæ Cistercii eodem juramento fidelitatis astringantur, et pro voluntate abbatis Cistercii, vel procuratoris ejus, admittantur vel amoveantur. Volumus præterea et præcipimus quod procurator Cistercii, dum ecclesia carebit vicario, serviri faciet ecclesiæ de Scardeburg et redditus omnes recipiat, ad usus domus Cistercii et procurationis capituli Cisterciensis, donec abbas Cistercii alium vicarium eligat, Eboracensi archiepiscopo, sicut prædictum est, præsentandum. Et ut hæc omnia imperpetuum quiete et pacifice et sine omni quæstu et exactione, prænominata domus Cistercii possideat, firmiter prohibemus ne aliqua persona, seu secularis sive ecclesiastica, præter domum Cistercii, in tota parochia de Scardeburg capellam erigat, aut altare, aut aliud aliquid faciat quod in damnum vel detrimentum domus Cistercii possit aliquando redundare, super forisfacturam decem librarum. His testibus, Gaufrido, Eboracensi archiepiscopo, Philippo,

comitibus, baronibus, justiciariis, vicecomitibus, ballivis, et omnibus ministris et fidelibus suis totius Angliæ et Normanniæ, et præpositis nundinarum et portuum maris, scilicet de Hampton, et de Hastings, et de Dovra, et de Barbeflete, et de Cadamo, et

Dunelmensi, H[erberto,] Saresbiriensi, episcopis, magistro Norm', thesaurario, magistro Rogero de sancto Edmundo, Willielmo Marescallo, Joele de Macua, Gaufrido de Cella, Roberto de Harecourt, Matheo de Gamach', Bricio, camerario nostro. Data per manum E[ustachii] Eliensis episcopi, apud Lyons, (*sic*) xiiii. die Maii, anno regni nostri nono."

"G[aufridus,] Eboracensis electus, omnibus Christi fidelibus qui præsens scriptum viderint, salutem. Sciatis nos concessisse, imperpetuum, Deo et sanctæ Mariæ Cistercii, pro salute animæ nostræ et pro anima regis Henrici patris nostri, elemosinam quam dominus rex Richardus, frater noster, fecit, de assensu nostro, de ecclesia de Scardeburgo cum omnibus pertinentiis suis, ad procurationem abbatum Capituli Cistercii. Quam elemosinam plene et integre concedimus, sicut in domini regis carta plenius continetur, et præsens scriptum sigilli nostri impressione communimus. Quare volumus et firmiter præcipimus quod abbatia Cistercii habeat, teneat, et percipiat libere, integre, honorifice et quiete, et sine molestia et contradictione, prædictam ecclesiam de Scardeburgo cum omnibus capellis et pertinentiis suis, et cum omnibus libertatibus et liberis consuetudinibus suis, secundum quod in carta regia continetur, nec super his omnibus diminutionem aliquam sustineat vel gravamen. Præterea, sciatis quod G[aufridus,] archidiaconus Chuel[andiæ], resignavit in manu nostra, et nos in manu abbatis Cistercii, quicquid juris clamabat in ecclesiæ prædictæ vicaria. Testibus, J[ohanne,] episcopo Cassæ Candidæ, Magistro Sy', cancellario Ebor. ecclesiæ, G[aufrido,] archidiacono Chuel[andiæ], V. de sancto Quintino."

"Clemens episcopus, servus servorum Dei, dilectis filiis abbati et conventui Cistercii, salutem et apostolicam benedictionem. Justis petentium desideriis, dignum est nos faciliter præbere consensum, et vota quæ a rationis tramite non discordant, effectu prosequente complere. Ea propter, dilecti in Domino filii, vestris justis postulationibus grato concurrentes assensu, ecclesiam de Scardeburg cum omnibus pertinentiis et libertatibus suis, sicut scripta auctentica Ricardi illustris Anglorum regis inde facta testantur, qui vobis eandem ecclesiam pia largitione in perpetuam elemosinam concessit, ad procurationem abbatum Capituli generalis, devotioni vestræ auctoritate apostolica confirmamus, et præsentis scripti patrocinio communimus. Statuentes ut nulli omnino hominum liceat hanc paginam nostræ confirmationis infringere vel ei ausu temerario contraire. Si quis autem hoc attemptare præsumpserit, indignationem omnipotentis Dei et beatorum Petri et Pauli apostolorum ejus, se noverit incursurum. Datum Laterani, v. Idus Februarij, pontificatus nostri anno tertio."

"Celestinus episcopus, servus servorum Dei, dilectis filiis abbati et conventui Cisterciensi, salutem et apostolicam benedictionem. Nostris petentium &c. *ut supra*. Ea propter, dilecti in Domino filii, vestris justis postulationibus grato concurrentes assensu, ecclesiam de Scardebourg cum omnibus pertinentiis suis et libertatibus, sicut auctentica scripta charissimi in Christo filii nostri, Richardi illustris regis Anglorum, exinde facta testantur, qui vobis ad procurationem abbatum Capituli generalis eandem ecclesiam pia largitione donavit, de voluntate et assensu venerabilis fratris nostri, Gaufredi, Eboracensis archiepiscopi tunc electi, sicut ejusdem auctenticum scriptum testatur, et sicut in literis venerabilis fratris Johannis Anagniensis, Prænestini episcopi, tunc legati in Anglia, continetur, devotioni vestræ auctoritate apostolica confirmamus, et præsentis scripti patrocinio communimus. Statuentes ut nulli, &c. Si quis, &c. Datum Laterani, ii. kal. Octobris, pontificatus nostri anno secundo.

"Cujus donationis intuitu, patres Ordinis, omnem ingratitudinis maculam vitare cupientes, eidem devotissimo regi, anniversarium solenne singulis annis, in quolibet Ordinis monasterio, feria tertia post Octavas Paschæ, celebrandum concesserunt; prima collecta, *Præsta Dominus*, secunda, *Fidelium Deus*. Quam quidem ecclesiam dicta donatione, usque circiter ad annum Domini M.CCC.LXXX., rexerunt monachi de Cistercio, illuc ab abbate suo transmissi, quorum plures ibidem sepulti miraculis florere dicuntur, et ad eorum sepulcra populus devote recurrit. Interim valde multi tractatus et literæ super his fuerunt confectæ, quæ in Cistercio servantur, singulisque annis ex fructibus dictæ ecclesiæ plura dona ad Cistercium mittebantur. Ingravescentibus autem bellis inter Franciam et Angliam, dicta ecclesia fuit de manibus Cisterciensium sublata, quamquam dictis guerris nullam dedissent causam, et Prioratui de Bridlingtona, Ordinis canonicorum beati Augustini, vicino, in custodiam commissa. Sed non obstantibus diligentiis expensis magnis Cisterciensium, necdum recuperari potuit, licet inclitæ memoriæ dominus Ricar-

de Estreham, et de Deopa, et de omnibus aliis portubus, salutem. Præcipimus quod monachi et fratres abbatiæ nostræ de Fontibus, et equi et homines, et omnes res eorum sint quieti de theloneo, et passagio, et pontagio, et stallagio, et pedagio, et de omni alia consuetudine et sæculari exactione, de se et suis omnibus quocumque venerint, et de omnibus rebus quas emerint vel vendiderint, vel deportari fecerint in nundinis vel mercatis, et in omni loco potestatis nostræ, per terram vel aquam, ad usus proprios. Et prohibemus, ne aliquis eos, vel homines vel res eorum, in aliquo vexet vel disturbet; quia tam ipsos, quam omnia quæ illorum sunt, sicut res nostras proprias et dominicas, in manu nostra et protectione et custodia retinemus. Nec ullatenus sustinere possemus, si quis eos vel bona eorum vexaret, turbaret, vel quolibet modo minueret, aut libertates a nobis aut predecessoribus nostris illis concessas interdiceret. Prohibemus etiam, ne de ullo tenemento suo ponantur in placitum, nisi coram nobis. Teste, Comite Willielmo de Mandevilla, xx° die Septembris, apud Gaitington.[1] *Fol.* 10.

X.—CARTA REGIS RICHARDI PRIMI, DE CONFIRMATIONE OMNIUM LOCORUM, ET POSSESSIONUM NOSTRARUM, ET DE LIBERTATIBUS NOSTRIS.

Ricardus, Dei gratia, rex Angl., dux Normanniæ, Aquitaniæ, et comes Andegaviæ, archiepiscopis, episcopis, abbatibus, comitibus, baronibus, justiciariis, vicecomitibus, ballivis, ministris, et

dus rex, qui non est diu, ut dicitur, in bello fuit occisus, multa devotione accensus, sollicitatoribus nostris promisisset, aut ecclesiam illam Ordini restituere, aut aliam ejusdem valoris Ordini liberaliter dare, ut dicti anniversarii bonorumque spiritualium quæ fiunt in toto Ordine particeps redderetur."—*Reg. Priv. de Fontibus*, fol. 142b

It would appear from this, "ut dicitur," with reference to King Richard III., that although he had been dead five years when this Register was compiled, the recording abbot of Citeaux was not entirely assured of the fact. I have not been able to discover any particulars relating to those monks of Scarborough who are said to have worked miracles, and whose places of burial were objects of popular resort; indeed probably this has become the only record on the subject.

It appears from the Royal Letters in the Public Record office that, in the reign of Edward I. "J. the abbot and the Convent of Albin," wrote to him begging that, "as the church of Scartheburche, which had been for the support of the general chapter, was too distant for personal superintendence, the Abbot of Rievall might be permitted to look after it."—*Seventh Rep. D. K. Pub. Rec.*, App. ii. p. 249.

(1) Geddington is about five miles N.E. of Kettering, and three miles from Pipewell Abbey in Northamptonshire. The King had a house there, the site of which is still called "Hall close," and a Chace; so that the mere fact of this Charter or Precept having been granted here cannot afford absolute proof of its date. There can, however, be no reasonable doubt but that it was issued three days after the last recited charter in the text (No. viii.), and, probably, for the purpose of exhibition to bailiffs and others engaged in the collection of tolls, upon occasions when the production of the charter upon which it was based, might have been unsafe or inconvenient.

omnibus fidelibus suis, salutem. Sciatis nos, pro anima patris nostri, et pro salute nostra, et matris nostræ, et fratris nostri J[ohannis,] et omnium antecessorum et successorum nostrorum, concessisse et hac præsenti carta nostra confirmasse Deo, et beatæ Mariæ, et ecclesiæ de Fontibus, et monachis ordinis Cisterciensis ibidem Deo servientibus et servituris, imperpetuum, ipsam suam de Fontibus abbatiam, et locum in quo eadem abbatia sita est et fundata per bonæ memoriæ Thurstinum, quondam archiepiscopum Eboracensem, cum omnibus terris, et tenementis, nemoribus, aquis, et aliis quibuscumque rebus et locis suis de Morker, Herleshow, Haddokstanez, Morkerfall, Waynford, Swanlay, et Warsall, cum omnibus pertinentiis suis. Et grangias suas de Sutton, Sleningford, Galghagh, Aldeburgh cum Nuttewith, Flattewith et Tanfeld riddyng, Bramlay, Kilnesay, Cayton cum le Gollescroft et stagno vivarii sui ibidem, Thorpunderwodd, Marton cum Caldewell, Balderby, Buskeby, Arneford, Netherbordeley, Overbordelay, Couton, Grenebergh, Merston, Kyrkebywisk, Bradley, Malghom, Brynbem, cum libertate ferarum et avium forestæ suæ ibidem, Dacre cum toto Niderdale sicut Rogerus de Moubray illud contulit eisdem, cum toto incremento et excambio quæ idem Rogerus similiter eisdem dedit ibidem, et cum logiis suis ibidem de Beuerley, Bourthayte, Sixeford, Dalagh, Lofthous, Trope et Caldestanes, cum omnibus materiis et mineris et omnibus aliis logiis et locis suis in eodem Niderdale, cum omnibus ad prædictam abbatiam, grangias, logias, et loca pertinentibus quoquomodo. Villas etiam de Malghom cum toto Malghmore et Malghwater, Litton cum toto Lyttondale et cum omnibus logiis et locis suis

The interest of the Archbishop of York, as owner of the tolls of markets and fairs within his Manor of Ripon, must have been materially affected by the exemption from toll of merchandise purchased for the use of the abbey. It is no wonder, therefore, that a case, probably considered by the bailiffs to be of exceptional character, or raised purposely, was tried in the Borough court of Ripon in the year 1384, which resulted in the affirmation of the claim. The record from which the following report is taken, is a contemporary transcript of the court roll, preserved at Studley Royal, and duly entered in the Register of Privileges, fol. 10 *b*.

"*Ad curiam Burgi de Rypon, tentam die Martis proximo post festum Ascencionis Domini, anno regni regis Ricardi secundi, post conquestum Angliæ, octavo.*

"Venit jurata inter dominum et abbatem de Fontibus et Stephanum Barker, conversum ejusdem abbatis, super placita, superius allegata, de tolneto domini asportato, super ipsos superius præsentatos; videlicet, Johannes Taverner, Willielmus de Eryom, Johannes Dawson, Johannes de Brignall, Johannes Raper, Johannes Shether, Willielmus Fallan, Willielmus de Rypon, Thomas Alman, Walterus Tailiour, Johannes de Staynley, junior, et Robertus Eme, jurati et electi; qui dicunt, super sacramentum suum, quod abbas de Fontibus, confratres sui, et omnes sui predecessores, a tempore quo non extat memoria, semper liberi fuerunt de omnimodis marchandiis, ad opus abbatiæ emptis vel emendis, infra villam [et] dominium de Rypon, sine aliquo tolneto inde pacando, et quod non sunt culpabiles de quadam presentatione, nec de aliquo articulo superius contento et super ipsos imposito. Ideo, consideratum est per curiam, quod dictus abbas, et Stephanus confrater ejus, inde quieti et sine die."

ibidem, et cum tota foresta sua de Gnoupe et Dernebroke, et libertate omnium ferarum et avium ibidem, simul cum omnibus logiis et locis suis in eadem foresta; Crosthwaite, cum ecclesia ejusdem villæ, et cum logiis suis de Wattendeland, [et] Staynthwayt, et cum toto Langestroth et insula de Hestholm, et Espenese, Neusom, Melmerby, Staynburne, Aynderby, Queldrick cum Almarre, Horton, Hebden, et Wiglesworth, cum omnibus terris, tenementis, redditibus, homagiis, et servitiis, tam liberorum quam nativorum, et cum ipsis nativis suis et eorum catallis et sequelis, et cum omnibus aliis pertinentiis ad prædictas villas et loca aliquo modo spectantibus, cum suis libertatibus universis. Item manerium de Potte cum pertinentiis suis, per plenarias divisas suas. Omnia etiam terras et tenementa, redditus, et servitia, prata, nemora, pascuas, et pasturas, quæ vel donatione, vel venditione, vel aliqua alia justa adquisitione habent in Eboraco, Rypon, Donecastre, Bothelstane, Grymesby, Scardeburg, Hertilpole, Yarum, Dromondby, Busheby, Stokesley, Redekerr, Cotom, Lyverton, Siadwell, Eston, Santon, Qwerlton, Blatonkerr, Carleton, Northcouton, Middelton, Ukerby, Scorton, Multon, Stapilton, Redmire, Qwhinholm, Wintringham, Santon, Queldrik tam de feodo Ricardi Malbisse quam de feodo Willielmi Darell et Willielmi de Percy, ibidem, Wartre, Elvington, Acastre, Clifton, Monkton super moram, Hessayriddyng, Merston, Kirkehamerton, Grenehamerton, Cattehall, Kirkby Usburn, Parva Usburn, Elingwik, Withington, Quixelay, Ferybrigge, Brotherton, Brampton, Eland, Heton, Dalton, Liversegge, Helm, Aghenlay, Schagh, Hagh, Brigrode, Somerrode, Prikstrikrode, Wolronwell, Morton in Airdale, Ilklay, Castelay, Huby, Hunesflete, Rigton, Rippelay, Godwynescalez, Aldwerk, Grafton, Wymbleton, Estmorton, Westmorton, Lofthous, Aistenby, Askeryk, Aundelay, Ganthorp, Sandehoton, Hotonconyers, Thornton in mora, Neuby Wisk, Neuby super Swale, Neuton super Swale, Maghenby, Rokeby, Pikall, Holm, Raynington, Disseford, Hewik, Gevendale, Thornbergh, Tresk, Melsanby, Mildeby, Skipton super Swale, cum passagio ejusdem aquæ et libero batellagio ibidem, Catton super Swale, Sinderby, Ronwell, Yarnewik, Skelton, Dunesforde, Kirtelington, Eseby, Euseby, Estkeswik, Asmunderby, Elingthorp, Southstaynlay, Northstaynlay, Ottelay, Otterburn, Folyfaith, Scotton, Wallerthwayt, Merkyngton, Merkyngefelde, Ingerthorp, Thornton juxta Brerton, Thornton Episcopi, Thornton Rust, Scabbed Neuton, Elingestrengge, Thorp juxta Nuttewith, Hedonriddyng, Tannefelde, Ilketon, Swetton, Swynton, Wardonmersk, Karlesmore, Kirkeby malasart, Azer-

lagh, Grantelay, Birkhow, Wynkeslay, Laverton, Brathwayt, Mikelhagh, Litelhagh, Redlay, Walton, Aldefelde, Northous, Longelay, Netherstodlay, Overstodelay, Sallay, Hunedegate, Goukebusk, Eston, Sutton, Holgrave, Sunthorp, Eveston, Hoperton, Warthill, Cockermouth, Parva Crosthwait, Brathwait, Thrilekelde, Appelthwayt, Allerdale, Lonesdale, Riblesdale, Querfdale, Airedale, Niderdale, Austewyke, Appeltrewyk, Arnecliff, Arneclifcote, Lynton, Brynsall, Lonethwait, Thorp juxta Brynsall, Conyngeston, Gossesibacre, Landesmere, Gersington, Biggehousbergh, Grissethorp, Hagnlith, Haukeswik, Helghfelde, Hertlington, Holmknottez, Ketelwell, Preston in Craven, Calton, Scothorp, Aireton, Tresfeld, Oulecotez, Lothenrigge, Waltrebergh, et Neuton in Craven, cum omnibus pertinentiis suis. Et præter hæc, quicquid alicubi habent de donis aut feoffamentis aut feodis supradictorum Thurstini, archiepiscopi Eboracensis, fundatoris sui, et successorum suorum, Aliciæ de Romelay, Aliciæ filiæ suæ, Willielmi de Fortibus, Baldewini de Beton, comitum Albemarliæ; Alani, comitis Britanniæ; Ricardi vel Willielmi de Percy, Rogeri de Moubray, G. Rugmund, P. de Brus, P. de Lascell, W. de Stutevill, vel aliorum quorumcumque feoffatorum suorum, sicut cartæ et scripta et munimenta, quæ inde habent, rationabiliter testantur. Ita omnia et singula supradicta ipsis monachis et successoribus suis, imperpetuum, concedimus et confirmamus, et volumus ut dictæ Abbatiæ et monachis, imperpetuum, remaneant illibata, eorum pro quorum gubernatione et sustentatione concessa sunt usibus omnimodis pro futura. Quare volumus[1] et firmiter præcipimus quod prædicti monachi, et successores sui, hæc omnia et singula supradicta habeant et teneant libere, quiete, pacifice, honorifice et integre, in liberam puram et perpetuam elemosinam, cum omnibus pertinentiis suis, in bosco et plano, viis, semitis, pratis, pascuis, pasturis, aquis, molendinis, stagnis, vivariis, moris, mariscis, turbariis, piscariis, fossatis, grodis, mineris, lapidicinis, virgultis, domibus et ædificiis cum redditibus, homagiis, releviis, wardis, escaetis, maritagiis et quibuscumque aliis servitiis, et omnibus ubique locis et rebus ad præmissa pertinentibus, quoquomodo: cum socha, et saka, et toll, et theam, et infangentheof,[2] cum curiis suis de omnibus tenentibus suis, et universis trans-

(1) In the copy of this Charter printed in the Monasticon, vol. i. p. 759, from an Inspeximus of Richard II. (*Rot. Pat.*, 9 R. II, p. ii. m. 25), the rest of it from this place is omitted, and the date, "apud Claryndon 26 die Junii," is erroneously added from a confirmation of this Charter of Richard I., recited in the Inspeximus which afforded the text.

(2) I subjoin, from the Register of Privileges, an explanation of these and some other terms used in documents relating to feudal privileges, more for the sake of shewing the interpretation

gressionibus factis infra terras suas, cum assisa panis et cervisiæ, et libera ordinatione ballivorum et ministrorum suorum et ammotione eorumdem, ac omnibus amerciamentis et forisfacturis præmissorum, et eorum debita executione imperpetuum; et cum omnibus aliis libertatibus et quietanciis cum quibus ecclesia beati

put upon them by the monks of Fountains, than for affording the more precise and valuable information easily accessible in the Glossaries of Spelman or Somner, or in Bracton, Fleta, the second Institute, and other well known legal works. There is also an Exposition in Taylor's History of Gavelkind, p. 173, printed from the Rawlinson MS. 329 B, folio 104b. and an English translation of such words in Stevens' Supplement to the Monasticon, vol. ii. p. 94, from a Register of the Priory of the Holy Trinity, London. The article below is abbreviated from an Exposition by Alexander archdeacon of Salisbury, which occurs in several monastic registers. A very good copy will be found in a Chartulary of Beaulieu Abbey, in Hampshire, where it is entituled, "Nomina Anglicana usitata in cartis antiquorum regum Angliæ, et adhuc apposita in cartis modernorum, exposita ab Alexandro archidiacono Sarisburiæ, secundum quod continetur in legibus Inæ, Aluredi, Atheldredi, Cnuti, et Edwardi, regum Angliæ."—*Cott. MS., Nero*, A. 12, fol. 142. In some cases, the article breaks off with the same sentence as the present, as, for instance, in the Chartulary of St. Neot's (*Cott. MS., Faustina*, A. iv. fol. 19); and in one, not so comprehensive as that in the Chartulary of Beaulieu, which will be found in the Chartulary of Sibton Abbey, the explanations are given in French.—*MS. Arundel, Brit. Mus.*, 221, fol. 22b.

EXPOSITIO QUORUNDAM VOCABULORUM DE LIBERTATIBUS.

SOCA. Hoc est, secta de hominibus in curia vestra, secundum consuetudinem regni. SAK. Hoc est, placitum et emenda de transgressionibus hominum in curia vestra, quia Sak, Anglice, *a cheson*, et Sak dicitur *forfett*, unde *Sakles*, non culpabilis. TOL. Hoc est, quod vos et homines vestri de toto homagio vestro sint quieti, in omnibus mercatis, de tolneto de rebus emptis et venditis. THEAM. Hoc est, quod habeatis totam generationem villanorum vestrorum, cum eorum sectis et catallis ubicunque fuerint inventam, excepto quod, si nativus quietus manserit per unum annum et unum diem in aliqua civitate vel villa privilegiata, ita quod in eorum communitatem et libertatem transierit. INFANGENTHEOF. Hoc est, quod latrones capti in dominico vel in feodo vestro, et de suo latrocinio convicti, per curiam vestram judicentur. HANGEWYTE. Hoc est, quod quieti eritis de latrone suspenso sine judicio, vel extra custodiam evaso. OUTEFANGTHEOF. Hoc est, quod latrones de terra vel feodo vestro, de extra capti cum latrocinio, reducantur ad curiam vestram, et ibi judicentur. HAMSOKEN. Hoc est de violento ingressu hospitii, contra pacem regis et voluntatem vestram, et quod inde habeatis curiam vestram. GRITHBREKE. Hoc est de pace domini regis fracta. BLODEWITE. Hoc est, quod habeatis curiam vestram et amerciamenta de medletis et effusione sanguinis. FLITEWYTE. Hoc est, quod habeatis curiam &c. de contentione et minis. FLEDWYTE. Hoc, quietum esse de amerciamento, cum utlagatus, sponte vel licentiatus, venerit ad pacem regis. FLEMENESEFRITH. Hoc est, habere catalla hominis vestri fugitivi. LEGHIRWYTE. Hoc est, habere emendam ab eo qui corrupit nativam vestram. CHILDEWYTE. Hoc est, habere emendam de impregnante nativam. MERCHET. Hoc est, habere gersum pro disponsatione nativæ vestræ. FORESTALL. Hoc est, quod habeatis amerciamentum de catallis arestatis infra terram vestram. SCOT. Hoc est, quietum esse de auxilio vicecomitis aut ballivorum. GELDE. Hoc est, quietum esse de consuetis servilibus, quæ, quasi tallagia, quondam dari consueverunt. HIDAGE. Hoc est, si rex talliaverit totam terram per hydas. CARUAGE. Hoc est, si rex talliaverit terram per carucas. DANEGELD. Hoc est, de quodam tallagio quod Dani quondam levaverunt. HORNGELDE. Hoc est, de tallagio de quacumque bestia cornuta. LASTAGE. Hoc de pecunia exacta in nundinis et mercatis pro rebus cariandis ad libitum. STALLAGE. Hoc est, de pecunia exacta pro placitis captis et assignatis in nundinis et mercatis. SCHEWYNG. Hoc est quietum esse de attachiamentis et querelis factis in aliqua curia, et non advocatis. MISHERYNG. Hoc est, de querelis in transumptione probatis. BURGHBRETH. Hoc est de transgressionibus factis in civitate vel burgo, contra pacem. WARDEWITE. Hoc est de denariis ad Warde in custodiam faciendis. HUNDRED. Hoc est, de subsidiis faciendis præpositis vel hundredariis. BORDEHALPENY. Hoc est pro tabulis levatis. BRUGEBOTE. Hoc est, de auxilio dando ad reficiendum pontem. BURGHBOTE. Hoc est, de auxilio dando ad reficiendum burgum vel castrum, &c. AVERPENY. Hoc est, pro avernagio regis.—*Regist. Privil. de Font.*, fol. 8b.

Petri Ebor.[1] tenet, ut, videlicet, ipsi monachi et successores sui, ac omnes terræ, res, et possessiones suæ, liberi sint et quieti ubicunque de assisis, comitatibus, tridingis, wapentachiis, danegeldis, pecunia quæ ad murdrum pertinet, auxiliis, scutagiis, pontagiis, pedagiis, cariagiis, theloneis, opere castellorum fossatorum, stallagiis, et omnibus tallagiis, placitis, et querelis, et omni terreno servitio quod ad nos, hæredes vel ministros nostros, pertineat quovismodo. Et præcipimus, super forisfacturam nostram, ne quis super his, aut super ulla re quæ a nobis vel antecessoribus nostris eis concessa fuerit, ipsos inquietare vel quamcunque molestiam eis inferre præsumat, quia, tam ipsos quam quæ eorum sunt, in manu nostra, sicut propria et dominica retinemus, nec portare possumus, si quis eos vel sua vexare, vel quocunque modo minuere, aut libertates eorum interdicere vel impedire præsumpserit. Et prohibemus etiam, super forisfacturam nostram, ne quis, infra clausuram dictæ abbatiæ vel aliorum locorum suorum, sanguinem humanum temere fundere, hominem capere vel arestare, seu interficere, aut violentiam aliquam audeat exercere, sed omnia loca sua adeo libera sint, sicut atria sanctæ ecclesiæ, et quieta. Testibus H[uberto] Cantuariensi archiepiscopo, H[enrico] Cantuariensi archidiacono, magistro Maugero, Ebroicensi archidiacono, Willielmo de Stagno, Roberto Harecurt. Data apud Rupem Andeliaci,[2] per manum magistri Rocell' tunc agentis vicem cancellarii, nono die Novembris[3] anno decimo regni nostri.[4] *Fol.* 9.

(1) Vide Mon. Angl., vol. iii. pp. 134, 135; Placita de Quo Warranto, p. 625; Placita coram rege, apud Ebor. de term. Trin., 12 Edw. II., rot. 59; Rotul. Chart., 5 Edw. II., n. 37; Rot. Pat., 11 Henry VIII., p. 1. m. 25.

(2) Vide Brompton, X Script., col. 1274–1276.

(3) The King granted a charter of confirmation to the Cistercian Abbey of Wardon in Bedfordshire—a daughter of Rievaux—two days after this date.—*Mon. Angl.*, vol. i. p. 785.

(4) Five of the monasteries dependent on Fountains were so considerably indebted to this King's clemency, for the remission of debts due to him, in right of the confiscated estate of Aaron the noted Jew of Lincoln, that the remarkable charter by which they were condoned, may be appropriately recorded among the privileges of the mother house.

CARTA MONACHORUM CISTERCIENSIS ORDINIS DE QUIETANCIA DEBITORUM AARONIS JUDEI LINCOLNIÆ.

Ricardus, Dei gratia, rex Angliæ, dux Normanniæ, Aquitaniæ, comes Andegaviæ, archiepiscopis, episcopis, abbatibus, baronibus, vicecomitibus, justiciariis, et omnibus ministris et hominibus suis, Francis et Anglis, totius Angliæ, salutem. Sciatis nos condonasse, pro salute animæ nostræ, et omnium antecessorum et hæredum nostrorum, abbatiis de ordine Cisterciensi; scilicet de Rievalle, de Novo Monasterio, de Kirkested, de Parco-Lude, de Revesbi, de Ruford, de Kirkestal, de Rupe, de Betlesden, omne debitum quod debebant nobis ex debito Aaronis Judei Lincolniæ, cujus summa se protendebat in sexcies mille et CCCC. marcarum, et eo amplius. Et ipsi pro hac condonatione nostra dederunt nobis mille marcarum. Quare volumus, et firmiter præcipimus, ut prædictæ domus omnino quietæ sint in perpetuum de universo debito illo quod ab eis exigebatur. Nos autem reddidimus eis cartas suas de eodem debito. Et ideo volumus, et firmiter præcipimus, ut nullus hinc eis amodo injuriam faciat vel gravamen aliquod inferat. Sed si qua carta inde fuerit inventa, nullum adversus eos habeat locum, sed eis sine contradic-

XI.—CONFIRMATIO MONACHORUM DE FONTIBUS.—[Ex Rotul. Chart., 1 Joh. n. 14.]

Johannes, Dei gratia, &c., justiciariis, &c. Sciatis nos suscepisse in manum, custodiam, et protectionem nostram, abbatem et monachos et fratres de Fontibus, terras, homines, res, redditus et possessiones eorum;[1] et ideo vobis mandamus et firmiter præcipimus quatenus eos et omnia sua custodiatis, manuteneatis, protegatis, et defendatis, sicut nostra dominica, et non inferatis eis, vel ab aliquo inferri permittatis, injuriam, gravamen, aut molestiam; et si eis in aliquo forisfactum fuerit, id eis sine dilatione emendari faciatis. Prohibemus etiam ne ponantur in placito de aliquo tenementorum suorum, nisi coram nobis vel capitali justiciario nostro; et sint quieti de tolneo et omni consuetudine de omnibus rebus quæ ad proprios usus suos pertinent, sicut cartæ Henrici regis, patris nostri, quas inde habent, testantur. Prohibemus etiam, super forisfacturam nostram, ne capiatis, nec aliquos capere permittatis, eorum oves, pro aliqua forisfactura, dummodo alia averia habuerint per quæ possint justiciari. Data, &c., xvj die Septembris, &c.

XII.—CARTA REGIS EDWARDI PRIMI, DE WARENNA IN MORKER, SOMERWITH, ALDEBURGH, SLENINGFORD, ET SUTTON.

Edwardus, Dei gratia, rex Angliæ, &c. Sciatis nos concessisse, et hac carta nostra confirmasse, dilectis nobis in Christo abbati et conventui de Fontibus, quod ipsi et successores sui, imperpetuum,

tione reddatur. His testibus, Hugone episcopo Dunelmensi, Godefrido episcopo Winton, Hugone episcopo Coventr., Willielmo cancellario nostro, electo Elyens., Ricardo Thesaurario nostro, electo Lundoniæ. Apud Westmonasterium, primo anno Regni nostri, xvj die mensis Novembris.—*Chartæ Antiquæ in Canc.*, rotul. T.

In the Pipe Roll, 3 Richard I., will be found, under the heads of several counties, very interesting and suggestive lists of the debtors of this Aaron the Jew of Lincoln, with the sums owing by each. Among those of high station in Yorkshire were Eustace de Vescy, Adam de Brus, Hugh and John de Builli, William Fossard, Berta countess of Brittany, Nigel Fossard, Jordan Foliot and Roger de Coismeres.

(1) Compare the sequel, as narrated by the Chronicler of Fountains: "Nec pepercit Fontanensi ecclesiæ, licet multa et magna ab ea donaria accepisset, sed mille et ducentas marcas argenti cum importuna celeritate solvendas ab ea extorsit; etiam reliquas domus nostri ordinis sub potestate sua adeo vehementer oppressit, ut, distractis ovibus et armentis, etiam vasa sacra divinis usibus consecrata et vestimenta sacerdotalia vendere cogerentur."—*Volume* i. p. 126.

King John's successor—Henry III.—does not appear to have confirmed any of the Privileges of the House, and the only grants which I find the monks to have obtained from him are an Inspeximus of a charter of Richard de Percy, of the Vill of Litton and Littondale in Craven, dated at Westminster, 5th August, 1239 (*Rot. Chart.*, 23 Hen. III., m. 2); and the confirmation of a messuage at Boston in Lincolnshire, dated Nov. 6, 1248.—*Rot. Chart.*, 33 Hen. III., p. 1. m. 7.

habeant liberam warennam[1] in omnibus dominicis terris suis de Morker, Somerwith, Aldeburgh, Sleningford, et Sutton, in comitatu Eboracensi, dumtamen terræ illæ non sint infra metas forestæ nostræ. Ita quod nullus intret terras illas ad fugandum in eis, vel ad aliquid capiendum quod ad warennam pertineat, sine licentia et voluntate ipsorum abbatis et conventus, vel successorum suorum, super forisfacturam nostram decem librarum.[2] Quare volumus, &c. Hiis testibus, venerabilibus patribus R. Bathon' et Well' et W. Norwic. episcopis; Henrico de Lacy, comite Lincolniæ, Johanne de Vescy, Roberto Tibbotot, Hugone filio Octonis, Roberto filio Johannis, Ricardo de bosco, Petro de Huntynfelde, et aliis. Data per manum nostram, apud Dunelm', decimo octavo die Septembris, anno regni nostri octavo.[3] 10 *b.*

## XIII.—CARTA EJUSDEM, DE WARENNA IN BALDERBY, THORP-UNDERWOD, KYLNESAY, BORDELAY, ET BRADELEY.

Edwardus, Dei gratia, &c., *ut supra proxima.* Sciatis nos concessisse, et hac carta nostra confirmasse, dilecto nobis in Christo abbati de Fontibus, quod ipse et successores sui, imperpetuum, habeant liberam warennam in omnibus dominicis terris suis de Balderby, Marton-super-moram, Thorp-sub-bosco,[4] Kylnesey-in-Craven, Bordelay-in-Craven, et Bradlay, in comitatu Ebor., dumtamen terræ illæ non sint infra metas forestæ nostræ. Ita quod

(1) "There be both beasts and fowls of the warren. Beasts—as hares, conies, and roes, called in records capreoli.—*Hill.* 13 Edw. III., *coram Rege in Thesaur.* Fowls of two sorts, viz., terrestres and aquatiles. Terrestres of two sorts—silvestres and campestres. Campestres—as partridge, quail, rail, &c. Silvestres—as phesant, woodcock, &c. Aquatiles—as mallard, hern, &c."—*I. Inst.*, § 378.

(2) The penalty belonged to the king, but the plaintiff could recover damages. Stephen de Pencester impleads John de Swanton and eleven other persons for chasing hares and conies in his free-warren at Tonstall in Kent. They agree with him for one hundred shillings, and pay to the king 10*l.*—*Coram Rege, Hill.* 15 Edw. I., rot. 31. In a case where the abbot of Peterborough impleaded Richard de Milton for chasing hares within his warren in that place, it was found by a jury that the defendant had taken two hares, and the damage was valued at sixpence. "Consideratum est quod prædictus abbas recuperet dictum dampnum versus prædictum Ricardum; et dominus rex habeat decem librarum de forisfactura, &c., secundum statutum."—*Coram Rege, Trinit.*, 33 Edw. I., rot. 25.

It was enacted by the statute, *De Malefactoribus*, 21 Edw. I., that if any warrener find any trespassers wandering within his Liberty, intending to do damage therein, after hue and cry made to stand to the peace, but do continue their malice, and, disobeying the king's peace, do flee, or defend themselves with force and arms; although such warreners or any other coming in their company, and aiding them in the king's peace, do kill any offender or offenders being so found, either in arresting or taking them or any of them, they shall not be troubled upon the same before the king, nor shall lose for so doing either life or limb, or suffer any other punishment.

(3) Enrolled, Rot. Chart., 8 Edw. I., n. 27.

(4) Free-warren in Thorp-underwood, near Green Hamerton, was granted previously to the abbot by King John.—*Rot. Chart.*, 2 John, p. 1. m. 8.

nullus intret, &c., *ut supra.* His testibus, venerabilibus patribus R. Bathon' et Well', et A. Dunelm' episcopis; Johanne de Warenna, comite Surr', Humfrido de Boun comite Herford & Essex, Roger de Brabaszon, Waltero de Bellocampo, Ricardo de Brideshall, Ricardo de bosco, et aliis. Data per manum nostram, apud Berwik-super-Twedam, xvi die Octobris, anno regni nostri vicesimo.[1] *Fol.* 11.

XIV.—[CARTA REGIS EDWARDI PRIMI, DE INSPECTIONE CARTÆ REGIS RICARDI PRIMI.][2] [Ex Rotul. Pat. 35 Edw. I., m. 16.]

Rex, omnibus ad quos, &c., salutem. Inspeximus cartam celebris memoriæ Ricardi quondam regis Angliæ, progenitoris nostri, in hæc verba;

Ricardus, Dei gratia, rex Angliæ, dux Normanniæ, Aquitaniæ, et comes Andegaviæ, archiepiscopis, &c., (*ut antea.* No. viii. p. 8.) Data apud Rupem Andeliaci, per manum magistri Rocel', tunc agentis vicem cancellarii, ix die Novembris, anno decimo regni nostri.

Quam quidem cartam, propter rupturam sigilli eidem cartæ appositi, de verbo ad verbum duximus per præsentes exemplificandam. In cujus, &c. Teste rege apud Karliolum,[3] duodecimo die Aprilis.

XV.—[CARTA REGIS EDWARDI PRIMI, DE INSPECTIONE CARTÆ REGIS RICARDI PRIMI].—[Ex Rotul. Chart., 5 Edw. II., n. 21, per Inspex.]

Edwardus, Dei gratia, rex Angliæ, &c., salutem. Inspeximus cartam celebris memoriæ domini Ricardi quondam regis Angliæ, progenitoris nostri, in hæc verba.

Ricardus, Dei gratia, rex Angliæ, &c., salutem. Præcipimus quod monachi et fratres Abbatiæ nostræ de Fontibus, et equi et homines, et omnes res eorum sint quieti de theloneo, et

(1) Enrolled, Rot. Chart. 20 Edw. I., n. 6.

(2) Vide page 10, note 1 of this volume. The king's chancellor, William de Hamelton, who had been at the Parliament at Carlisle with abbot Bishopton, in the early part of this year, died at Fountains, a few days after this charter was sealed. Vide vol. i. p. 188. Besides these charters, king Edward I. inspected and confirmed to Fountains, on the 18th of March, 1300, the confirmatory grant of Isabella de Fortibus, Countess of Albemarle and Devon and Lady of the Isle, of the vill of Stainburn, a moiety of the vill of Rigton, and a toft and an oxgang of land at Huby in Wharfdale.—*Rot. Pat.* 28 Edw. I., n. 24.—*Abbrev. Rotul. Orig.*, vol. i. p. 110.

(3) The Statute of Carlisle, 35 Edw. I., is entered in the Register of Privileges of Fountains,

passagio, et stallagio, et pedagio, &c.—[*Ut supra*, No. ix. p. 11]. Teste, comite Willielmo de Mandevilla, xv° (*sic*) die Septembris, apud Gaitington.

Quam quidam cartam, propter rupturam sigilli eidem cartæ appositi, de verbo ad verbum duximus per præsentes exemplificandam. In cujus rei testimonium, has literas nostras fieri fecimus patentes. Teste me ipso apud Karliolum, duodecimo die Aprilis, anno regni nostri tricesimo quinto.

## XVI.—CARTA REGIS EDWARDI SECUNDI, DE LICENTIA ADQUIRENDI TERRAS ET TENEMENTA AD VALOREM VIGINTI LIBRARUM.

Edwardus, Dei gratia, rex Angliæ, dominus Hiberniæ, et dux Aquitaniæ, omnibus ad quos præsentes literæ pervenerint, salutem. Sciatis quod, pro remissione quam dilecti nobis in Christo, abbas et conventus de Fontibus, nobis fecerunt, de quater viginti et sexdecim libris et viginti et uno denariis, in quibus eis pro bladis et aliis diversis victualibus,[1] ab ipsis ad opus nostrum emptis,

fol. 13 *b*., but unaccompanied by a mandate to the abbot, similar to the exemplar writ issued to the abbot of Waverley, directing him to cause it to be publicly read, twice in the year, in a full chapter of his house.—See the statute and writ, *Rot. Parl.*, vol. i. p. 217.

(1) Among the Miscellaneous Rolls in Chancery is one—No. 168—which contains a curious account of the sums of money owing by king Edward II. to the Yorkshire monasteries, for cattle and corn supplied by them, in aid of the military expedition against the Scots, in the year 1310. It is entitled "Debita quæ debentur Viris Religiosis in comitatu Ebor., pro bladis, bobus, vaccis, et multonibus, domino Regi nunc mutuatis, anno regni sui quarto. De quibus promisit litteras suas obligatorias de solutione eisdem Religiosis facienda, ad festum Purificationis beatæ Mariæ proximo futurum, sicut patet per litteras suas de privato Sigillo quas dicti Religiosi habent de promisso." The debt to the abbot of St. Mary's, York, was entered first, but the sum is now illegible. Then that due "Abbati de Fontibus, pro xx quarteriis frumenti, prec. quarterii xs. Eidem abbati, pro xx quarteriis brasei ordii, prec. quart. vijs. Eidem abbati, pro xx quarteriis avenarum, prec. quart. iijs. Eidem abbati, pro xiiij bobus, xvi vaccis, prec. capitis xjs. Eidem abbati, pro C multonibus, prec. capitis xvij*d*. Summa denariorum xlvij*li*. xs." After this follow statements of a like nature with reference to the monasteries of Drax, Nostell, Rievaux, Byland, Kirkstall, Sawley, Pontefract, Jervaux, Selby, Newbrough, Coverham, Watton, Guisbrough, Wartre, Bridlington, Meux, Kirkham, Malton, Bolton, Whitby, and another place the name of which is illegible. The general prices were, for wheat, ten shillings per quarter; barley malt, eight shillings per quarter; beans and peas, six shillings per quarter; oxen, eight shillings a head; sheep, eighteenpence a head. The best oxen seem to have been furnished from the pastures of Fountains, Selby, and Jervaux, as they are valued at eleven shillings each. The worst sheep apparently were sent from Guisbrough, and were estimated to be worth only sixteenpence each. The beans and peas from Meux were of inferior quality and charged a shilling a quarter less than the rest.

Annexed to the roll is a receipt from Ralph de Dalton, clerk, dated 30th October, 4 Edw. II., 1310, for twenty-four pairs of letters obligatory from the bishop of Worcester, the King's chancellor, to be delivered by him to certain religious men in Yorkshire, "qui diversa genera victualium quæ ad summam quadringentarum quater viginti et unius librarum et septem solidorum per diversas particulas appreciantur, ipsi domino regi mutuaverunt, in subsidium expeditionis guerræ suæ Scotiæ, quorum nomina in quodam rotulo præsenti billæ annexo plenius continentur"; which letters obligatory, the said Ralph promises, according to his bond, to return into Chancery,

tenebamur, ac per finem quadraginta librarum quem fecerunt nobiscum, quas quidem quadraginta libras solverunt in garderoba nostra,[1] concessimus et licentiam dedimus, pro nobis et hæredibus nostris, quantum in nobis est, eisdem abbati et conventui, quod ipsi terras et tenementa ad valorem viginti librarum annuarum, tam de feodo suo proprio quam alieno, exceptis terris et tenementis quæ de nobis tenentur in capite, adquirere possint. Habendum et tenendum sibi et successoribus suis imperpetuum, Statuto de terris et tenementis ad Manum mortuam non ponendis edito,[2] non obstante, dumtamen per inquisitiones inde in forma debita faciendas, et in cancellaria nostra vel hæredum nostrorum rite retornandas, compertum sit quod id fieri poterit absque præjudicio nostro et alterius cujuscunque. In cujus rei testimonium, &c. Teste

wherever it may be, about the feast of the Purification of the Blessed Mary the Virgin next ensuing, or to the sheriff of the county.

As it appears from the Patent roll, 5 Edw. II., part 2, that the heads of several of the chief Yorkshire monasteries obtained licenses of mortmain, in the month of March in that year, in consideration of a fine and remission of the King's debt to them for provisions, it is probable that the privilege was conferred more for the sake of replenishing the King's exhausted exchequer than as an act of grace and favour to the monks, more particularly since, during his sojourn at York at this period, he resorted to the practice of raising money by granting charters which cost him nothing, and perhaps in many instances were not voluntarily sought, to municipal corporations. Thus, among other instances, on the 8th of March, in consideration of one hundred marks, the burgesses of Scarborough obtained from him a confirmation of their charters and a grant of kaiage. On the 12th of March, the burgesses of Ravensrode procured a similar concession on the payment of 50*l.*, and five days afterwards, the mayor and citizens of York had occasion to pay a fine of four hundred marks for the confirmation of their charters.

(1) "Abbas et conventus de Fontibus, pro quadraginta libris per quas finem fecerunt cum Rege, et pro remissione quam fecerunt dicto Regi de quatervigiuti et sexdecim libris, viginti et uno denariis, in quibus Rex eis tenebatur pro bladis et aliis diversis victualibus, &c., habent licentiam adquirere, sibi et domui suæ, terras et tenementa ad valentiam viginti librarum annuarum, et confirmationem cartarum suarum."—*Originalia* de anno 5 Edw. II., rotul. 22. The charters alluded to were, no doubt, those dated on the 24th of February, which follow in the text.

The acquittance for this fine is enrolled on *Rot. Pat.*, 5 Edw. II., m. 1. Rex, omnibus ad quos &c. salutem. Sciatis quod dilectus nobis in Christo, Abbas de Fontibus, solvit nobis in Gardaroba nostra, vicesimo tertio die Februarii anno regni nostri quinto, apud Eboracum, dilecto clerico nostro Ingelardo de Warle, custodi ejusdem garderobæ, quadraginta libr., per quem finem fecit nobiscum pro licentia adquirendi, sibi et domui suæ prædictæ, terras et tenementa ad valorem viginti librarum annuarum, tam de feodo suo proprio quam alieno, de quibus quidem quadraginta libr., præfatum abbatem et successores suos, tenore præsentium, quietamus. In cujus &c. T. R. apud Ebor. XXV die Februarij.—*Per billam de Garderoba.*

(2) *Stat. de Religiosis*, 7 Edw. 1., st. 2. All the statutes of mortmain were based on Magna Charta, 9 Hen. III., cap. 36, where the prohibition was absolute; but the king subsequently licensed alienations, partly because it was assumed that there was an inherent power in the Crown to dispense with Acts of Parliament; and partly, perhaps, because the statutes gave him a right of entry in cases where the provisions were broken, and the lord of the fee neglected to enter. In the *Ordinatio de Libertatibus perquirendis*, 27 Edw. I., it was provided that men of religion that would amortize lands or tenements should have writs out of the Chancery to enquire upon the points accustomed in all things. And, by the 18th Edw. III., st. 3. c. 3., "If prelates, clerks beneficed, or religious people, which have purchased lands, and the same have put in mortmain, be impeached upon the same before our Justices, and they shew our charter of licence, and process thereupon be made by an inquest of *ad quod damnum*, or of our grace, or by fine, they shall be freely let in peace without being further impeached for the same purchase."

meipso, apud Eboracum, xxiij° die Februarii, anno regni nostri quinto.[1] *Fol.* 8 *b.*

XVII.—[EDWARDUS SECUNDUS CONFIRMAT CARTAS DIVERSAS.]
[Ex Rotul. Chart., 5 Edw. II., n. 21.]

Rex, archiepiscopis, &c., salutem. Inspeximus cartam quam dominus Henricus, quondam rex Angliæ, progenitor noster, fecit abbati et monachis de Fontibus in hæc verba: Henricus, rex Angl., et dux Normanniæ et Aquitaniæ, et comes Andegaviæ, &c.,[2] salutem. Præcipio quod homines et equi, et omnes res abbatiæ de Fontibus et monachorum ibidem Deo servientium, sint quieti de theolonio.—[*Ut supra*, No. vi. p. 6.]

Inspeximus etiam cartam confirmationis quam dominus Stephanus, quondam rex Angliæ, progenitor noster, fecit eisdem abbati et monachis, in hæc verba: Stephanus, rex Angl.—[*Ut supra*, No. ii. p. 2.]

Inspeximus etiam cartam confirmationis quam dominus Ricardus, quondam rex Angl., progenitor noster, fecit prædictis abbati et monachis in hæc verba. Richardus, Dei gratia, rex Angl., &c., salutem. Sciatis nos, pro anima patris nostri, et pro salute nostra, et matris nostræ, et fratris nostri Johannis, &c. —[*Ut supra*, No. viii. p. 8.]

Inspeximus etiam cartam confirmationis quam dominus Johannes, quondam rex Angliæ, progenitor noster, fecit dictis abbati et monachis, in hæc verba. Johannes, Dei gratia, rex Angliæ, &c., salutem. Sciatis nos concessisse, et præsenti carta nostra confirmasse, Deo et ecclesiæ sanctæ Mariæ de Fontibus, &c. totam terram quam Willielmus de Stutevill eis dedit cum corpore suo, scilicet illam quam habuit in Kerkeby-Useburn, &c.—[*Ut infra, inter cartas de Kirkby-Useburn*].

Inspeximus etiam cartam confirmationis quam dominus Henricus, quondam rex Angliæ, avus noster, fecit eisdem abbati et monachis, in hæc verba. Henricus, Dei gratia, rex Angliæ, &c.,

(1) These Letters Patent were enrolled on the Patent Roll, 5 Edw. II., p, 2, m. 20, but, in the reign of Richard II. they were cancelled and crossed out, and opposite, in the margin of the roll, is written in a hand of that period, "Vacantur, quia restituti fuerunt, eo quod dominus rex Ricardus secundus, xiio die Junii, anno regni sui xvjo, concessit abbati et conventui prædictis quod ipsi certa terras et tenementa adquirere possint sibi et successoribus suis, in plenam satisfactionem summæ prædictæ. Et ideo istæ literæ cancellantur et dampnantur."

(2) Although the king is styled here Earl of Anjou, it appears from the recital of this charter, before that of king Stephen, that it was thus early ascribed to king Henry I.—an error which was repeated in several subsequent royal confirmations of the privileges of the abbey, including that of king James the First to Sir Stephen Proctor.

salutem. Inspeximus cartam Ricardi de Percy in hæc verba, Omnibus, &c., Ricardus de Percy, salutem. Sciatis me, pro salute animæ meæ et Aliciæ uxoris meæ, patris et matris, et omnium antecessorum et successorum meorum, dedisse, concessisse, et hac carta mea confirmasse, Deo et monachis ecclesiæ sanctæ Mariæ de Fontibus, una cum corpore meo ibidem sepeliendo, totam villam de Litton in Craven, &c.—[*Ut infra, inter cartas de Litton.*]

Inspeximus etiam literas patentes quas dominus Edwardus, quondam rex Angliæ, pater noster, fecit præfatis abbati et monachis, in hæc verba. Edwardus, Dei gratia, rex Angliæ, &c., salutem. Inspeximus cartam celebris memoriæ domini Ricardi, quondam regis Angliæ, &c.—[*Ut supra*, No. xv. p. 21.]

Nos autem, donationes, concessiones, confirmationes et exemplificationem prædictas ratas habentes et gratas, eas, pro nobis et hæredibus nostris, quantum in nobis est, præfatis abbati et monachis et eorum successoribus, concedimus et confirmamus, sicut cartæ et literæ prædictæ rationabiliter testantur. Hiis testibus, venerabili patre W. Coventr. et Lichf. episcopo, Radulpho filio Willielmi, Petro de Malo Lacu, Willielmo le Vavasur, Marmaduco de Thweng, Ranulpho de Nevill, Edmundo de Malo Lacu, senescallo hospitii nostri, et aliis. Data per manum nostram, apud Eboracum, xxiiij^to^ die Februarii.[1]

*Per finem contentum in alia carta de licentia ingrediendi laicum feodum.*

XVIII.—IDEM CONFIRMAT QWELDRIK, THORNTON IN MORA, THORP, ELINGWYK, TRANSITUM ET PISCARIAM IN USA, RAININGTON, POTTE, SLENINGFORD, NEUSOM, MERSTON, ARNEFORD, ROKEBY, PIKALL, ET TRESKFELD, ETC.

Edwardus, &c., Donationem quam Ricardus Malbis fecit abbati et monachis ecclesiæ beatæ Mariæ de Fontibus, de omnibus terris redditibus et possessionibus quos habuit in villa et territorio de Queldrik, cum homagiis et servitiis hominum de ipso Ricardo libere tenentium, in eadem villa, et in Wartre de eodem feodo,

(1) There is an imperfect office copy of this charter at Studley-Royal, dated 29 May, 1633, and attested by "*Will'm Colet*," and "*Will's Ryley, unus clericorum Johannis Borough, militis.*" From two "exhibits" that are endorsed on it, it appears to have been produced at the execution of commissions for the examination of witnesses; once on the 25th of September, 1637, before the undersigned, *Tho. Cowling, John Robinson, Raphe Leadom*, and *Salom. Wyvell*; and again, at Ripon, 4th Oct., 1642, before *Sa. Wyvell, Geo. Naylor*, and *John Messenger*. There is also a memorandum, "Ex. 4° Junii 1638, per *Parsonium Benson, Matthew Wood*"; but I have not, as yet, ascertained the subject of litigation.

cum marra quæ vocatur Allemar, cum omnibus pertinentiis suis, et cum essarto quod dominus Johannes rex eidem Ricardo dedit, et cum alneto et molendino et stagno, cum omnibus pertinentiis suis, libertatibus et aisiamentis, infra villam et extra. Donationem, etiam, quam idem Ricardus fecit prædictis abbati et monachis, de novem bovatis terræ cum pertinentiis in Thornton, cum omnibus hominibus in eadem terra manentibus, et tota sequela et de omnibus catallis eorum. Donationem, insuper, quam Walterus Beauvaiz fecit eisdem abbati et monachis, de una bovata terræ cum pertinentiis in Thorntona. Donationem, etiam, quam Galfridus Haget fecit dictis abbati et monachis, de [villa de[1]] Thorp in Burghsira, cum pertinentiis, et de tota terra de Ellewik, excepta dimidia carucata terræ quam sanctæ moniales de Saningthwait habent, et excepta una carucata terræ quam eædem sanctæ moniales habent in Wieton. Confirmationem, etiam, quam Willielmus de Estutevill fecit præfatis abbati et monachis, de duabus carucatis terræ cum pertinentiis in Elnewik. Donationem, insuper, concessionem et quietam clamationem quas idem Willielmus fecit eisdem abbati et monachis, de servitio quod Galfridus Hagett eidem Willielmo facere solebat, de duabus carucatis terræ cum pertinentiis in Elnewik, videlicet, quatuor solidos annuatim. Concessionem, insuper, et confirmationem quas idem Willielmus fecit dictis abbati et monachis, de piscaria in aqua de Jore et de Usa per totum, a ponte Burgi usque ad muros Eboraci, cum uno piscatore et serviente suo et cum duobus batellis et sagena et retibus suis; ita tamen quod piscarias non faciant ibidem, nec palos figant. Concessionem, etiam, quam Edmundus, comes Cornubiæ, fecit prædictis abbati et monachis, de libero transitu in aquis de Youre et Ouse inter pontem Burgi et civitatem Eboraci cum rebus suis propriis, in usus domus suæ et sustentationem eorundem convertendis, quietam de thelonio, passagio, et pontagio, et omni alia consuetudine ad ipsum comitem et hæredes suos spectante; Ita tamen quod villani prædictorum abbatis et conventus nullum habeant transitum quietum in prædictis aquis, tenore concessionis antedictæ. Donationem, insuper, et concessionem quas Thomas filius Alani de Arches fecit eisdem abbati et monachis de capitali mesuagio suo in villa de Renington, cum capella, et quibusdam terris, pratis, et pasturis, cum pertinentiis, in eadem villa, et de nativis ipsius Thomæ in eadem villa et omni sequela eorum, cum toto servitio cotariorum ejusdem villæ, et cum prædictis cotariis; necnon, de libertate et tota communa quam idem Thomas habuit in mora de Hoton, cum tota quarrera

(1) villa de.—*Rotul. Pat.*, 5 Edw. II., m. 18.

ejusdem moræ. Donationem, etiam, quam Gilbertus de Watton fecit prædictis abbati et monachis, de tota terra et pastura contentis inter has divisas, scilicet ab eo loco ubi Pozbek et Grymesdalebek simul veniunt, sequi Grymesdalebek sursum usque Frostildehow, et de Frostildhow usque Steinscougrun, et inde usque ad semitam de Lofthusum recte contra Bacstainbek, et inde sequi eandem semitam usque ad superius caput de Crawell, et inde sequi Pott deorsum usquê ad viam quadrigarum quæ venit de Aikelid recte contra Grymesdalebek, cum libero transitu in Aldolflund et Surmire ad averia sua, et feno et coopertorio, ad logias suas in eisdem locis, excepta pastura infra prædictas divisas ad viginti vaccas cum vitulis earum donec annum compleverint. Donationem etiam et concessionem quas idem Gilbertus fecit prædictis abbati et monachis, de viis necessariis per feodum suum ubique, ubi, extra pratum et bladum, eis utilius visum fuerit. Donationem, insuper, quam Robertus de Crammavilla fecit præfatis abbati et monachis de toto dominico suo in Sleningford, et de omnibus terris quas habuit in territorio ejusdem villæ, cum omnibus pertinentiis suis, et de omnibus villanis ipsius Roberti de eadem villa, cum omni sequela et omni re sua, et de molendino ejusdem villæ cum pertinentiis, et de servitiis omnium libere tenentium ipsius Roberti in eadem villa et Mickelhag. Donationem etiam et concessionem quas Ranulphus de Neusom fecit dictis abbati et monachis, de septem bovatis terræ cum pertinentiis in Neusom juxta Kirkby-wisk, et de servitio Johannis de Snape, de duabus bovatis et tribus acris terræ in eadem villa, cum redditu decem solidorum, et de uno tofto cum pertinentiis in eadem villa. Concessionem, insuper, et confirmationem quas Ranulphus filius Roberti de Neusom fecit eisdem abbati et monachis, de sex toftis et novem bovatis, et tribus acris terræ cum pertinentiis, in eadem villa. Relaxationem, etiam, et quietam clamationem quas Robertus de Estotevill, dominus de Couseby, filius Walteri de Estotevill, fecit eisdem abbati et monachis, de septem bovatis terræ cum pertinentiis in Neusom, et de servitio Johannis de Snape de duabus bovatis et tribus acris terræ in eadem villa, cum redditu decem solidorum. Concessionem, etiam, et confirmationem quas Petrus de Brus [filius Petri de Brus] fecit prædictis abbati et monachis de una carucata terræ cum pertinentiis in Arneford, et relaxationem et quietam clamationem quas idem Petrus fecit eisdem abbati et monachis, de toto servitio ejusdem terræ, quantum ad ipsum pertinebat. Concessionem, etiam, et confirmationem quas Petrus de Brus, tertius, fecit præfatis abbati et monachis, de omnibus terris redditibus et possessionibus quas iidem abbas et monachi habuerunt confirmatas de antecessoribus

ipsius Petri de feodo suo, et de omnibus terris, redditibus, et possessionibus, quas iidem abbas et monachi habuerunt in Merston, de feodo ejusdem Petri, cum relaxatione et quieta clamatione sectæ curiæ de omnibus terris prænominatis. Et relaxationem, quietam clamationem, et confirmationem quas Johannes de Nevyll, filius et hæres Jollani de Nevyll, fecit prædictis abbati et monachis, de quatuor carucatis terræ et dimidia cum pertinentiis in Rokesby et Pikehall. Concessionem, etiam, confirmationem, et quietam clamationem quas Helyas, filius Heliæ de Treskefelde, fecit eisdem abbati et monachis, de una carucata terræ cum pertinentiis in Treskefelde, et de pastura ad trescentas oves ubique infra pasturam de Treskefelde. Ratas habentes et gratas, eas, pro nobis et hæredibus nostris, quantum in nobis est, præfatis abbati et monachis et eorum successoribus, concedimus et confirmamus, sicut cartæ donatorum prædictorum, quas inde habent, rationabiliter testantur. In cujus rei testimonium has literas nostras fieri fecimus patentes. Teste meipso apud Eboracum xxiiij die Februarii, anno regni nostri quinto.[1] 2 *b.*

[*Per finem contentum in alia carta de licentia ingrediendi terras et tenementa.*]

## XIX.—CARTA REGIS EDWARDI TERTII, POST CONQUESTUM, CONFIRMATIONIS DE MALEMORE, KYLNESAY, HAWKESWYK, ET TOTO QUOD HABEMUS DE FEODO COMITIS ALBEMARLIÆ IN CRAVEN, DE CROSTHWAIT, ET INSULA ESTHOLM, ETC.

Edwardus, Dei gratia, rex Angliæ, dominus Hiberniæ, et dux Aquitaniæ, omnibus ad quos præsentes literæ pervenerint, salutem. Donationem, concessionem et confirmationem quas Alicia de Rumelli, per cartam suam, fecit Deo et monachis et fratribus ecclesiæ sanctæ Mariæ de Fontibus, de toto jure et calumpnia quæ ipsa Alicia, vel ejus prædecessores, unquam habuerunt in Malhgmora, cum omnibus ibidem ad ipsam Aliciam vel hæredes suos pertinentibus, in puram et perpetuam elemosi-

(1) Enrolled, *Rot. Pat.*, 5 Edw. II., m. 18. King Edward II. granted licence to William, son of Hugh de Castley, to alienate two messuages and two oxgangs of land in Stainburn, to the abbot and convent of Fountains, 7th of June, 1319.—*Rotul. Pat.*, 12 Edw. II., p. 2. m. 9. Also to Geoffry le Scrop, to alienate to them certain messuages in York, 9th Nov., 1318.—*Ibid.*, p. 1. m. 18. Also to the prior and convent of Bolton-in-Craven, to assign to them a rent of six shillings in Scothorp, 12th of June, 1323.—*Rot. Pat.*, 16 Edw. II., p. 2. m. 4. Likewise to Robert de Carlton, that he might give to them three messuages, three oxgangs and four acres of land in Kirkby-Malzeard and Azerley; and William Cokewald, of Heton, a toft and two acres of land "in Kirkeheton juxta Bradeleye," 10th of June, 1323.—*Ibid.*, p. 2. m. 7. Licences of alienation in mortmain granted subsequently, with the *Inquisitiones ad damnum* and other proceedings, will be found under the heads of the estates to which they relate, among the charters of endowment.

nam. Donationem, etiam, confirmationem et quietam clamationem quas eadem Alicia, per eandem cartam suam, fecit Deo et monachis et fratribus prædictis, de toto servitio quod ad ipsam Aliciam et hæredes suos pertinebat, de illa dimidia carucata in Kylnesay quam Edulphus et filii ejus eis dederunt, et cartis suis confirmaverunt, et de toto servitio quod ad prædictam Aliciam et hæredes suos pertinebat, de terra quam iidem monachi et fratres habuerunt de Gwillo filio Helte, in Haukeswike, et de libero transitu quadrigis, averiis, et omnibus suis ubique per terram ipsius Aliciæ, sine omni impedimento, salvo prato et blado, et de quadraginta careatis (*sic*) de mortuo bosco, annuatim, ubique super solum ipsius Aliciæ, ubi præfatis monachis et fratribus magis placitum fuerit, ad grangiam suam de Kylnesay in puram, perpetuam, solutam, quietam, et liberam elemosinam. Concessiones etiam et confirmationes quas Willielmus de Fortz, quondam comes Albemarliæ, per cartam suam fecit Deo et monachis prædictis, de Kylnesay cum pertinentiis suis, necnon de jure quod idem comes, vel prædecessores sui, unquam habuerunt in Malhgmora, cum omnibus ibidem ad ipsum comitem vel hæredes suos pertinentibus, et de omnibus aliis terris et tenuris quas iidem monachi habuerunt de feodo ipsius comitis in Cravena, cum omnibus pertinentiis et aisiamentis suis, in puram et perpetuam elemosinam. Concessionem etiam et confirmationem quas idem comes, per eandem cartam suam, fecit præfatis monachis, de libero transitu quadrigis et averiis et omnibus suis ubique per terram ipsius comitis, sine omni impedimento, salvo prato et blado, et de quadraginta carreatis de mortuo bosco annuatim, ubique super solum ipsius comitis, ubi magis placitum fuerit, ad grangiam ipsorum monachorum de Kylnesay, necnon de viginti carreatis materiei, ad carucas suas similiter annuatim capiendas, super solum ipsius comitis ubicumque voluerint, in perpetuam elemosinam. Donationem etiam et confirmationem quas Alicia de Rumeley, filia Willielmi filii Duncanni, per cartam suam, fecit Deo et monachis prædictis, de tota villa de Crostheweit cum advocatione ecclesiæ ejusdem villæ de Crostheweit, et cum omnibus aliis pertinentiis, libertatibus et aisiamentis suis infra villam et extra, in puram, perpetuam, solutam, liberam, et quietam elemosinam. Donationes etiam et confirmationes quas eadem Alicia, per aliam cartam suam, fecit Deo et monachis prædictis, de quadam insula in Derewentwatre, quæ vocatur Estholm, cum omnibus pertinentiis, libertatibus et aisiamentis suis, et de libero transitu cum navi sua eundi et redeundi usque ad ipsam insulam, et libere ducendi res suas per ipsam aquam de Derewentewatre, ubi et quando voluerint magis ad commodum suum; necnon

de terra Adæ filii Adæ personæ de Crostheweit, cum servitio ipsius Adæ quod ad eandem terram pertinet in Crosthweit, cum omnibus pertinentiis et libertatibus suis infra villam et extra. Concessionem etiam quam prædicta Alicia, per eandem cartam suam, fecit Deo et monachis prædictis, de libero transitu ubique super solum ipsius Aliciæ, præfatis monachis, hominibus, et averiis suis cum rebus suis, ubi et quando necesse habuerent magis ad commodum suum, excepto prato et blado, in puram, perpetuam, solutam, liberam et quietam elemosinam. Ratas habentes et gratas eas, pro nobis et hæredibus nostris, quantum in nobis est, dilectis nobis in Christo abbati et conventui loci prædicti et eorum successoribus, concedimus et confirmamus, sicut cartæ prædictæ rationabiliter testantur, et prout iidem abbas et conventus et prædecessores sui, moram, servitia, terras, tenuras, villam, advocationem et insulam prædictam tenuerunt, et transitus prædictos habuerunt, ac mortuum boscum et materiem hactenus rationabiliter percipere consueverunt. In cujus rei testimonium, has literas nostras fieri fecimus patentes. Teste meipso, apud Hayden, xxiiij die Julii, anno regni nostri primo.[1] *Fol.* 2.

## XX.—CARTA REGIS EDWARDI TERTII, QUOD NON CEDAT NOBIS IN PRÆJUDICIUM QUOD CONCESSIMUS CORRODIUM[2] JOHANNI DE WALTHAM, AD REQUISITIONEM IPSIUS REGIS.

Edwardus, Dei gratia, rex Angliæ, dominus Hiberniæ, et dux Aquitaniæ, omnibus ad quos præsentes literæ pervenerint, salutem. Sciatis quod, cum dilecti nobis in Christo, abbas et

(1) It is a singular circumstance that king Edward III. in confirming this charter, on the 20th of June, in the twenty-third year of his reign, states that it was granted by his father; but it is proved by its enrolment on the Patent roll, 1 Edw. III., p. 2, m. 5, that it was granted by himself, and it is further shewn by the Scotch roll that he was at "Heyden-brigge," in Northumberland, on the day when it is dated.—*Rotul. Scot.* vol i. p. 219. The Fine roll also confirms the fact:—EBOR. Abbas de Fontibus finem fecit cum rege, per quadraginta solidos, pro confirmatione habenda. T. R. apud Hayden xxiv die Julij.—*Rotul. Fin.* 1 Edw. III., in sched. It is not improbable, however, that the officer who prepared the confirmatory charter, was misled by the seal of the charter dated at Hayden, for until the month of October, in the first year of the reign of king Edward III. he used the great seal of his father, with the addition only of a small fleur de lis above each of the towers, on the reverse.—*Rym. Fœd.* N.E. tom. ii. p. 683; *Wailly, Elements de Paléographie*, tom. ii. p. 113; *Archæologia*, vol. xiv. p. 271.

(2) Corody is an allowance of money or meat, drink, clothing, lodging, and such like necessaries for sustenance. Some corodies are of common right, as every founder of abbeys had authority to assign such in the same house for his father, brother, cousin, or other that he would appoint. And this corody was due as well to a common person, Founder, as where the king himself was Founder. But where the house was holden in Frankalmoigne, there the tenure itself was a discharge of Corody against all men, except it were afterward charged voluntarily; as where the king would send his writ to the abbott for a Corody for such a one, whom they admit. There the House should be, thereby, charged for ever, whether the king were founder or not. Vide *Les*

conventus de Fontibus, concesserunt ad requisitionem nostram, dilecto servienti et nuntio nostro, Johanni de Waltham, qui tam domino Edwardo nuper regi Angliæ, patri nostro, quam nobis diu et fideliter bene deservivit, quandam certam sustentationem ad totam vitam suam, de domo prædicta recipiendam, prout in literis patentibus ipsorum abbatis et conventus, communi sigillo suo consignatis, quas idem Johannes inde habet, plenius continetur.

Nos, ipsorum abbatis et conventus securitati pro futuris temporibus providere volentes in hac parte, concessimus pro nobis et hæredibus nostris eisdem abbati et conventui, quod, concessio sua prædicta præfato nuntio nostro de sustentatione prædicta, sic ad nostram requisitionem et de eorum libera voluntate facta, eis non cedat in præjudicium, nec trahatur in consequentiam in futurum, nec quod ipsi, vel eorum successores, occasione concessionis prædictæ, de alia sustentatione vel pensione aliis concedenda, per nos vel hæredes nostros, aliquatenus onerentur, sed inde imperpetuum sint quieti. In cujus rei testimonium has literas nostras fieri fecimus patentes. Teste meipso, apud Kenilworth, xxx^mo die Septembris,[1] anno regni nostri tertio. *Fol.* 8.

XXI.—CARTA REGIS EDWARDI TERTII, DE INSPECTIONE DIVERSARUM CARTARUM PROGENITORUM SUORUM, ET DE CONFIRMATIONE MULTARUM POSSESSIONUM NOSTRARUM.[2]—[Ex Rotulo Chart., 23 Edw. III., n. 5.]

Rex, archiepiscopis, episcopis, abbatibus, &c., salutem.

Inspeximus cartam quam dominus Edwardus, quondam rex Angliæ, pater noster, fecit abbati et monachis de Fontibus, in hæc verba. Edwardus, Dei gratia, rex Angliæ, dominus Hiber-

*Termes de la Ley.* p. 183. The practice of obtaining corodies at the king's request became so burthensome to the Bishops and Religious houses that it was restrained within due bounds by statute 1 Edw. III., cap. 10.

By a charter, dated at Westminster, 16 April, 14 Edw. III., of which a copy is entered in the Register of Privileges of Fountains, fol. 14b, the King also granted, for himself, his heirs and successors, that no one, on his or their part, shall take any corn, hay, beasts, carriage, nor other goods of bishops, abbots, priors, abbesses, prioresses, parsons, vicars, nor other people of Holy Church, within their houses, manors, granges, nor other places within the Fees of Holy Church, nor without, against the agreement and will of the owner of the same goods; And, also, that we shall not, from henceforth, charge any of the said prelates or clergy, nor their houses, to receive hostages, nor sojourners of Scotland, nor of other countries, nor our horses, nor dogs, falcons, nor other hawks of ours nor theirs, against their agreement and will. This charter was confirmed by Stat. 18 Edw. III., cap. 4, and Stat. 1 Ric. II., cap. 3.

(1) xxx die Decembris. Per breve de privato sigillo.—*Rot. Pat.*, 3 Edw. III. p. 2, m. 2.

(2) This is the heading of the copy entered in the Register of Privileges, fol. 3, but the scribe, in abstracting some of the charters recited, having been unable to assign the inspeximus to the proper grantor, I have derived the text of the charter from the enrolled copy.

niæ, et dux Aquitaniæ, archiepiscopis, episcopis, abbatibus, &c., salutem. Inspeximus cartam quam dominus Henricus, quondam rex Angliæ, &c.—[*Ut supra*, No. xvii. p. 24.] Data per manum nostram, apud Eboracum, xxiiij. die Februarij, anno regni nostri quinto.

Inspeximus etiam quasdam literas patentes quas idem avus noster fecit eisdem abbati et monachis, in hæc verba. Edwardus, Dei gratia, rex Angliæ, dominus Hiberniæ, &c., et dux Aquitaniæ, omnibus ad quos, &c., salutem. Donationem quam Ricardus Malebisse fecit abbati et monachis ecclesiæ beatæ Mariæ de Fontibus, &c.—[*Ut supra*, No. xviij. p. 25.]

Inspeximus etiam cartam quam dominus Henricus, quondam rex Angliæ, proavus noster, fecit eisdem abbati et monachis, in hæc verba. H., Dei gratia, rex Angliæ, &c. Sciatis me, ad petitionem Willielmi de Stutevill, concessisse, &c., Deo et ecclesiæ sanctæ Mariæ de Fontibus et monachis ibidem Deo servientibus, donationem quam Willielmus de Stutevill eis fecit, scilicet, Caitonam cum omnibus pertinentiis suis per suas divisas plenarias, et Gollecroft.—[*Ut infra, inter cartas de Cayton.*]

Inspeximus etiam cartam quam dominus Johannes, quondam rex Angliæ, progenitor noster, fecit prædictis abbati et monachis in hæc verba. Johannes, Dei gratia, rex Angliæ, dominus Hiberniæ, &c. Sciatis nos concessisse, &c., Deo et ecclesiæ sanctæ Mariæ de Fontibus et monachis ibidem Deo servientibus, totam terram quam Willielmus de Stutevill eis dedit cum corpore suo, scilicet illam quam habuit in Kerkeby-Useburn, &c.—[*Ut infra, inter cartas de Kirkby-Useburn.*]

Inspeximus etiam aliam cartam quam idem Johannes, progenitor noster, fecit eisdem abbati et monachis, in hæc verba, Johannes, Dei gratia, rex Angliæ, &c. Sciatis me concessisse, &c., abbati et monachis de Fontibus, Wattendelan et Langestrohe cum omnibus pertinentiis suis quas Alicia de Rumilly, filia Willielmi filii Dunekani, eis dedit, &c.—[*Ut infra, inter cartas de Allerdale.*]

Inspeximus etiam cartam quam dominus Edwardus, quondam rex Angliæ, pater noster, fecit eisdem abbati et monachis, in hæc verba. Edwardus, Dei gratia, rex Angliæ, &c. Inspeximus scriptum quod Isabella de Fortibus, quondam comitissa Albemarliæ et Devoniæ et domina Insulæ, fecit Deo et monachis ecclesiæ beatæ Mariæ de Fontibus in hæc verba. Universis Christi fidelibus præsens scriptum visuris vel audituris, Isabella de Fortibus, comitissa Albemarliæ, &c., salutem. Noverit universitas vestra nos, &c., concessisse, et præsenti scripto nostro confirmasse, Deo et monachis ecclesiæ beatæ Mariæ de Fontibus,

villam de Staynburn cum omnibus suis pertinentiis, medietatem villæ de Rigton, &c.—[*Ut infra, inter cartas de Staynburn.*]

Inspeximus etiam quasdam alias literas patentes quas præfatus pater noster, fecit eisdem abbati et monachis in hæc verba. Edwardus, Dei gratia, rex Angliæ, &c. Donationem, concessionem et confirmationem quas Alicia de Rumely, per cartam suam, fecit Deo et monachis et fratribus ecclesiæ sanctæ Mariæ de Fontibus, de toto jure et calumpnia quæ ipsa Alicia, vel ejus prædecessores, unquam habuerunt in Malhgamora, &c.—[*Ut supra*, No. xix. p. 28]. Teste meipso, apud Hayden, xxiiij. die Julij, anno regni nostri primo.

Nos autem donationes, concessiones, confirmationes, exemplificationem, relaxationes, remissiones, quietas clamationes, cognitionem et assignationem prædictas, necnon donationem et confirmationem quas Ricardus Malebisse, per cartam suam, fecit eisdem abbati et monachis, de sex acris prati de Acastre, scilicet, in Gretgate, et de uno tofto quod est propinquius tofto Walteri Beauviez, versus le north, in puram et perpetuam elemosinam.

Donationem etiam concessionem et confirmationem quas Galfridus de Buggethorp, per cartam suam, fecit prædictis abbati et monachis, de una carucata terræ in Parva-Useburn, cum toftis et croftis, et cum omnibus pertinentiis, libertatibus et aisiamentis, infra villam et extra, in puram et perpetuam elemosinam.

Donationem, insuper, concessionem et confirmationem quas Rogerus Haget, per cartam suam, fecit eisdem abbati et monachis de quatuor bovatis terræ, cum duobus toftis et duobus croftis in villis et territoriis de Parva-Useburn et de Parva-Catal, in puram et perpetuam elemosinam.

Remissionem etiam et quietam clamationem quas idem Rogerus, per eandem cartam suam, fecit prædictis abbati et monachis de sex carectatis focalis de bosco de Rys de Kirkehamerton, et de duabus betheis per duos dies ad turbas fodiendas in Ford, turbaria de Grenehamerton, quas idem Rogerus annuatim percipere consueverat, ex dono et permissione dictorum abbatis et conventus. [*Here follows the recital of one hundred and sixteen other charters of benefactions to the monastery.*] [1]

(1) I have not considered it necessary to continue the recital of these grants, since copies, or full abstracts of the whole of them, will be subsequently introduced among the charters of endowment.

There is preserved in the Muniment-room at Studley-Royal, a parchment roll, twenty-three feet long, containing copies of grants and confirmations to Fountains, with the names of the witnesses omitted, which was apparently compiled for the information of the Chancery officers who prepared this royal charter. Dr. Burton quotes it occasionally in the *Monasticon Eboracense* as "the long roll of parchment penes M. Messenger Armig." It is endorsed, in a contemporary hand, "Transcripta cartarum et confirmationum in Magna Charta Edwardi tertii a conquestu Angliæ, ex inspectione fratris Roberti de Monketon, abbatis," and the same inscription is placed at the

Ratas habentes et gratas, eas, pro nobis et hæredibus nostris, quantum in nobis est, dilecto nobis in Christo, nunc abbati loci prædicti, et successoribus suis, concedimus et confirmamus, sicut cartæ et scripta prædicta rationabiliter testantur. In cujus, &c. Teste rege, apud Westmonasterium, xx° die Junii.

*Per finem sex marcarum solut. in hanaperio.*

XXII.—PRO ABBATE DE FONTIBUS, DE EXONERANDO IPSUM DE AUXILIO. [Ex placit. coram Baron. de Scacc. de anno 27° Edwardi tertii, 1353, rotul. 40, 41, 42.]

*Adhuc de crastino Hillarii, anno xxvii° regis Edwardi tertii incipiente.*[1]

Dominus rex mandavit hic breve suum de magno sigillo suo, quod est inter Communia de hoc Termino,[2] in hæc verba. Edwardus, &c., Thesaurario et Baronibus suis de Scaccario, salutem.

head of the roll, with the addition of the sentence, "cujus anima in pace requiescat." Though the whole of the heading has been so smeared with galls as to render it impossible to decide whether these words have been inserted or not, it may be inferred from the context that such was the case, and that this "Magna Charta" was obtained during the abbacy of Monkton, which extended from the year 1346 to 1369, and is identical with the charter above. The roll contains one hundred and sixty-four charters, and of these, one hundred and one are inspected and confirmed in this charter of 23 Edward III. It is not obvious why the rest were rejected or withdrawn, but sufficient evidence, that the one was based upon the contents of the other, is afforded by the fact that, after the twelfth recital in the royal grant, corresponding with the charter No. 29 on the roll, the same sequence or rotation of the several instruments is preserved throughout—broken only here and there by charters omitted in the king's confirmation—and both conclude with the same document. At the foot of the roll, the following entry occurs, which, when perfect, probably explained the reason why all the preceding charters were not inspected, and, in its present state, the chief purpose for which the confirmation was required: "..... *talis clausa in fine cartæ domini regis ..... ponitur, non confirmantur.*"

"Donationes, insuper, concessiones, confirmationes, et quietas clamantias quas habent de quibuscumque donatoribus, concessoribus, confirmatoribus et quietis clamatoribus suis, in quibuscumque locis fuerint, ratas habentes et gratas, eas, pro nobis et hæredibus nostris, quantum in nobis est, præfatis abbati et monachis et eorum successoribus, in puram, liberam, et perpetuam elemosinam, concedimus et confirmamus imperpetuum."

This is evidently the form in which the monks wished that the operative clause of the confirmation should be drawn. Now, at the time when the subject was under consideration, they were objecting to the payment of certain Aids to the King, on the ground that they held the lands from which they were demanded in Frank almoign, which was a discharge of such payments. The Charter of the 20th June, 1350, merely confirmed the grants which it recited; but the clause just quoted, proposed that they should also be conceded and confirmed, "*in puram, liberam et perpetuam elemosinam.*" After proceedings in the Court of Exchequer, detailed in the ensuing record in the text, this claim—with a nominal exception—was affirmed; but it appears from this memorandum, that when the "Magna Charta" was solicited, in 1350, the monks had intended to have procured an exemption through the Royal prerogative which they were left to obtain, in 1353, by the ordinary process of the law.

(1) The issue was, the liability of the abbot of Fountains to pay Aids to the King, in respect of the tenure of certain lands affirmed by the abbot to be holden in Frank almoign.

(2) Rotul. xxix°, inter Brevia directa Baronibus de termino S. Michaelis, anno xxvij° R. Edwardi tertii.

Ex parte dilecti in Christo, abbatis de Fontibus, nobis est ostensum quod, cum ipse per cartas progenitorum nostrorum quondam regum Angliæ teneat, ipseque et prædecessores sui, abbates loci prædicti, a tempore confectionis cartarum prædictarum hucusque tenuerint, omnia terras et tenementa sua in Heton, Kirkeby Malassart, Bramelay, Growelthorp, Staynburn, Riggeton, Whyxlay, Grenehamerton, Merston, Munketon, Thressefeld, Ilkelay, Heton, Haukeswyk, Conyngston, Malghom, Arneclyff, Litton, Galhagam, Grenebergh grange, Kirkeby-Wysk, Melmorby juxta Wath, Couton, Aldeburgh, Rokeby, Pykal, Aynderby, Melmoreby, Renyngton, Middelton, Aynderby, Dysford, Sandhoton, Neusom, Thorneton in mora, et Buskeby in comitatu Eboracensi, in perpetuam elemosinam, de auxiliis quieta, prout in eisdem cartis plenius continetur. Et licet idem abbas, et prædecessores sui, abbates loci prædicti, a tempore confectionis cartarum prædictarum, quieti fuissent de auxilio ad primogenitos filios eorumdem progenitorum nostrorum, milites faciendos, et ad primogenitas filias suas maritandas, usque ad annum domini Edwardi quondam regis [regni][1] Angliæ, avi nostri, xviij,[2] quo anno collectores auxilii eidem avo, ad primogenitam filiam suam maritandam concessi, se in compoto suo ad idem Scaccarium, de terris et tenementis ejusdem abbatis in eisdem villis, de quadraginta et duobus solidis et quatuor denariis, onerarunt, de quibus xlij solid. et iiij denar. nuper vicecomes noster Eboracensis [se] ad idem Scaccarium super Compotum [suum] postmodum oneratus fuit. Vos, tamen, ipsum abbatem pro xl*li.* xvj*s.* vij*d. q.*[3] pro terris et tenementis suis in villis prædictis, eo quod collectores auxilii nobis ad primogenitum filium nostrum militem faciendum nuper concessi in partibus de Northrything et Westrything in comitatu prædicto, se in Compoto suo de dictis

(1) *Communia*, ut supra.

(2) An aid for knighting an eldest son, or the marriage of an eldest daughter of the lord, were among the incidents of knight's service. On the 1st June, 18 Edw. I., 1290, the Parliament granted an aid of forty shillings from each knight's fee in the kingdom for the marriage of the king's eldest daughter. When his sister was married to the king of Scotland, her father had received only two marks from each knight's fee, but on this occasion it was conceded "quod dominus rex percipiat et habeat de quolibet feodo militari quadraginta solidos, hac vice, plenarie et integre; *ita tamen quod alias non cedat eis in præjudicium vel consuetudinem.*"—*Rot. Parl.*, v. i. p. 25.—*Parl. Writs.*, ed. Palgrave, vol. i. p. 20. The aid was not, however, collected until the King by Letters Patent, dated 7th Nov., 30 Edw. I., after reciting the grant, and that the collection had been hitherto graciously suspended for the greater ease of the commonalty, empowered the Sheriffs and others to collect the same.—*Rot. Parl.*, vol. i. p. 266. By the Statute of Westminster the 1st, 3 Edw. I., cap. 36, the unreasonable and extortionate demands of the lords in levying these aids were restrained, and the sum due from a knight's fee was limited to twenty shillings, an enactment which was extended by Stat. 25 Edw. III., cap. 11, to every knight's fee, held, without mesne, of the Crown.

(3) This sum has been written here and subsequently in the record, on an erasure, and has been altered from 12*li.* 4*s.* 6*d.* q^a^, as it appears on the copy of the writ entered on the Memoranda Roll, cited above.

xi*li.* xvi*s.* vij*d. q.*, pro certis feodis militum in villis prædictis, pro auxilio prædicto nobis solvendo jam de novo onerarunt, per summonitionem Scaccarii prædicti graviter distringi et multipliciter inquietari facitis, in ipsius abbatis dispendium non modicum et gravamen, et contra tenorem cartarum prædictarum; super quo nobis supplicavit sibi de remedio provideri. Nos, nolentes ipsum abbatem indebite onerari in hac parte, vobis mandamus quod, visis cartis prædictis, si, per inspectionem earundem, vobis constare poterit ipsum abbatem omnia terras et tenementa sua in villis prædictis, in perpetuam elemosinam, quieta de auxiliis, tenere; scrutatisque rotulis et memorandis scaccarii prædicti, si, per inspectionem eorumdem, aut alio modo legitimo, vobis constare poterit ipsum abbatem et prædecessores suos prædictos dicta terras et tenementa de auxiliis ad primogenitos filios eorumdem progenitorum nostrorum milites faciendos, et ad primogenitas filias suas maritandas, usque ad dictum annum xviij, quieta tenuisse, ut prædictum est, et de dicto auxilio nobis, pro terris et tenementis ejusdem abbatis in villis prædictis, de jure onerari non debere, tunc, exactioni sibi factæ de prædictis xi libris, sexdecim solidis, septem denariis et uno quadrante, pro eodem auxilio nobis concesso, pro terris et tenementis prædictis solvendis, supèrsederi, et ipsum inde ad idem Scaccarium, prout justum fuerit, exonerari et quietum esse facere, non obstante quod præfatus vicecomes in compoto, de dictis xlij solidis et quatuor denariis, a præfato abbate, pro dicto auxilio eidem avo nostro concesso, exactis, ad idem Scaccarium oneratus fuit, ut prædictum est. Teste meipso, apud Westmonasterium, primo die Decembris, anno regni nostri Angliæ vicesimo sexto, regni vero nostri Franciæ tertio decimo.[1]

Et modo, ad Crastinum sancti Hillarii, venit hic prædictus abbas per Johannem de Swaton, attornatum suum, et dicit ipsum graviter districtum esse per vicecomitem Eboracensem pro xi*li.* xvi*s.* vij*d.*, $q^a$, de auxilio regi nunc, die Lunæ proxima post festum Nativitatis beatæ Mariæ, anno vicesimo concesso, ad primogenitum filium suum militem faciendum,[2] ratione terrarum

(1) There is added to the copy on the Memoranda Roll, "Hoc breve allocatur in Magna Rotulo de anno xxvj°, *in Ebor.*"

It appears from the Memoranda Roll of the King's Remembrancer, 22 Edw. III., rotul. 4, that, in Michaelmas term in that year, the King, at the instance of the abbot of Fountains, issued a writ, tested at Worcester, 4th October, anno regni 21, to the Treasurer and Barons of the Exchequer, of a similar character to the present. The abbots of St. Mary's York, Jervaux, Coverham, and of several other houses, were pleading at the same period to be exonerated from the payment of Aids.

(2) It would appear therefore that this aid for knighting Edward the Black Prince was granted on the first day of the meeting of the Parliament, "tenuz a Westminstre le Lundy proschein apres la Feste de la Nativite Nostre Dame."—*Rot. Parl.*, vol. ii. p. 157. The king had sailed from England on the 4th July, on the expedition to France, which resulted in the battle of Cressy

et tenementorum suorum in villis prædictis superius in brevi specficatis, et hoc injuste; quia dicit quod ipse, tempore concessionis auxilii prædicti et diu antea, tenuit et adhuc tenet omnia terras et tenementa sua, in villis prædictis, in perpetuam elemosinam, libera et quieta de hujusmodi auxiliis et scutagiis, per cartam regis Ricardi, progenitoris regis nunc, quam ostendit curiæ, et quæ irrotulatur alibi in hoc rotulo, cujus data est apud Rupem Audelæ, xvij° die Novembris, (*sic*) anno primo ipsius regis Ricardi.[1] In qua, inter alia, continetur quod, idem rex Ricardus, per cartam suam prædictam, concessit et confirmavit Deo et ecclesiæ sanctæ Mariæ de Fontibus, et monachis ibidem Deo servientibus, in perpetuam elemosinam, omnia terras et tenementa sua cum omnibus aisiamentis et libertatibus ad ea pertinentibus, et grangias suas in Heton, Kirkeby, Bramelay, Galhagam, Hamerton, Haukeswyk, Conyngeston, Malghom, Arneclyf, Greneberga, Kyrkeby-wysk, Couton, Aldeburgh, Middelton, Aynderby, Dysford, Heton et Buskeby, et quicquid habuerunt de feodo Rogeri de Moubray vel Willielmi de Perceyo, seu quorumlibet aliorum, per eorum donationem vel venditionem vel confirmationem, sicut in eorum cartis continebatur; Quare voluit et firmiter præcepit, quod prædicti monachi hæc omnia prædicta, libere, quiete, pacifice, integre, et honorifice haberent et tenerent in perpetuam elemosinam, cum omnibus pertinentiis suis, quieta de auxiliis et scutagiis et omnibus tallagiis. Et petit idem abbas de summis prædictis, ab ea sic exactis de auxilio prædicto, exonerari et quietus fieri, juxta tenorem brevis et cartæ supradictorum.

Et super hoc, facto scrutinio rotulorum, &c., compertum est in Magno Rotulo de anno xxv^to^, in *Eborascira*, quod, xi*li.* xvj*s.* vij*d.* $q^a$ exiguntur de abbate de Fontibus, de auxilio prædicto, videlicet, xiij*d.* $q^a$, pro quatuor bovatis terræ in Heton, unde xviij carucatæ faciunt feodum; ij*s.* vj*d.*, pro quinque bovatis terræ in Kyrkeby-Malassart, unde x carucatæ faciunt feodum; v*s.* iiij*d.*, pro duabus partibus duarum carucatarum terræ in eadem villa; vj*s.*, pro una carucata et dimidia terræ in Bramley, unde x carucatæ faciunt feodum; ij*s.* pro una carucata terræ in Galhagam, unde x carucatæ faciunt feodum; viij*s.*, pro duabus carucatis terræ in Growelthorp, hameletto de Kyrkeby-Malassart, unde

(*Froissart*, lib i. p. 124); and on the day of the Nativity of the Virgin, the bishop of Durham and others wrote from Calais to the whole estate of Parliament, "qe nostre Seignur le Roi, a son arrivall a la Hoges en Normandie, fist son eisne fitz le Prince de Gales, chivaler, & pur celle cause il doit avoir l'eide de son Roialme qi appertient en tieu cas; C'est assaver, xl*s.* de chescun Fee de Chivaler, a quen chose nous assentons tant come en nous est; &c."—*Rotul. Parl.*, v. ii. p. 163.

(1) Enrolled with the Plea forming the text, "In quindena Sancti Martini anno 27^o^, rotul. 32," as inspected by king Edward I.—(No. 14, p. 21.)

x carucatæ faciunt feodum; xiij*s.* iiij*d.*, pro quatuor carucatis terræ in Staynburn, unde x carucatæ faciunt feodum; vj*s.* viij*d.*, pro duabus carucatis terræ in Rygeton, unde x carucatæ faciunt feodum; iij*s.* iiij*d.*, pro una carucata terræ in Quyxlay, unde xij caruc. faciunt feodum; iij*s.* iiij*d.* pro una caruc. terræ in Grenehamerton, unde xij carucatæ faciunt feodum; vij*s.* vij*d.*, pro duabus car. terræ in Merston, unde x car. dimid. faciunt feodum; xviij*d.*, pro una car. terræ in Munketon, unde xxvij car. faciunt feodum; xvij*d.* $q^{a.}$ pro dimidia car. terræ in Ilkelay, unde xiiij car. faciunt feodum; ij*s.* x*d. ob.*, pro una car. terræ in Heton, unde xiiij car. faciunt feodum; ij*s.* x*d. ob.*, pro una car. terræ in Haukeswyk, unde xiiij car. faciunt feodum; xvij*d.*, pro dimidia car. terræ in Conyngeston, unde xiiij car. faciunt feodum; x*s.* $q^{a.}$ pro tribus car. terræ dimid. in Malghom, unde xiiij car. faciunt feodum; iiij*d. ob.*, pro una bovata terræ in eadem villa; ix*d.*, pro duabus bovatis terræ in Lytton, unde xiiij car. faciunt feodum; iiij*s.* iij*d. ob.*, pro una car. terræ et dimid. in Arneclyf, unde xiiij car. faciunt feodum; iiij*s.* iij*d. ob.* $q^{a.}$ pro una car. et dimid. terræ in Lytton, unde xiiij car. faciunt feodum; et iiij*s.* iij*d. ob.* $q^{a.}$ pro una carucata terræ et dimid. in Thressefeld, unde xiiij car. faciunt feodum; et xxvi*s.* viij*d.* pro octo car. terræ in Grenebergh, in partibus de Northrythyng, unde xij car. faciunt feodum; et x*s.* pro tribus car. terræ in Kyrkeby-Wysk, unde xij car. faciunt feodum; et viij*s.* iiij*d.* pro duabus car. et duabus bovatis terræ in Melmorby juxta Wath, et duabus bovatis terræ in Couton, unde xij car. faciunt feodum; et x*s.* pro tribus car. terræ in Aldeburgh, unde xij car. faciunt feodum; et iij*s.* iiij*d.*, pro una car. terræ in Rokeby et Pykall, unde xij car. faciunt feodum; et xl*s.* pro uno feodo in Aynderby, Melmorby, & Renyngton; et iij*s.* iiij*d.* pro una car. terræ in Middelton, unde xij car. faciunt feodum; et xvi*s.* viij*d.* pro quinque car. terræ in Aynderby & Dysford, unde xij car. faciunt feodum; et ij*s.* vj*d.* pro una car. terræ in Sandhoton, unde xvij car. faciunt feodum; et vj*s.* viij*d.* pro duabus car. terræ in Neusom, unde xij car. faciunt feodum; et x*s.* pro tribus car. et dimid. terræ in Thornton-in-Mora, unde x car. faciunt feodum; et vi*s.* viij*d.* pro duabus car. terræ in Buskeby, unde xiiij car. faciunt feodum; sicut continetur in rotulis de particulis compoti collectorum auxilii prædicti in dictis partibus de Northrythyng, hic, in Thesaurario existentibus.

Compertum est etiam in Rotulo vij° regis Edwardi, patris regis nunc, quod xlij*s.* iiij*d.* exacti fuerunt de præfato abbate de auxilio regi Edwardo, avo regis nunc, anno regni sui xviij° concesso, ad primogenitam filiam suam maritandam; videlicet, iiij*d.*,

pro quatuor bovatis terræ in Heton; xvij*d.* $q^{a.}$ pro dimid. car. terræ in Ilkelay; xij*s.* vi*d.*, pro tribus car. terræ et dimid. in Merston; xviij*d.*, pro una car. terræ in Munketon; ij*s.* x*d. ob.*, pro una car. terræ in Heton; ij*s.* x*d. ob.* pro una caruc. terræ in Malghom; xvij*d.*, pro dimid. car. terræ in Conyngeston; iiij*s.* iij*d. ob.* $q^{a.}$ pro tribus caruc. terræ in Hebeden; viij*s.* vij*d. ob.*, pro duabus car. terræ in Malghom; et xiij*d. ob.* $q^{a.}$ pro tribus bovatis terræ in Preston; et iiij*s.* v*d. ob.*, pro duabus car. terræ in Horton, sicut continetur in rotulis de particulis compoti collectorum ejusdem auxilii, hic, in Thesaurario, existentibus. Et sic dicti xlij*s.* iiij*d.* exacti fuerunt de præfato abbate, in rotulis annualibus usque annum octavum regis Edwardi, patris regis nunc, quo anno Johannes Malbys, tunc vicecomes comitatus Eboracensis, oneratus fuit super compotum suum, de eodem anno, de xlij*s.* iiij*d.* prædictis, sicut continetur in prædicto rotulo de dicto anno octavo, in *Eborascira.*

Sed non est compertum penes scaccarium per hujusmodi scrutinium, quod collectores auxilii regi Henrico, anno regni sui xix° concesso ad maritandam Isabellam sororem suam Frederico Imperatori Romanorum, neque auxilii dicto regi Henrico concesso anno regni sui xxix° ad primogenitam filiam suam maritandam, neque auxilii eidem regi Henrico anno regni sui xxxviii° concesso ad primogenitam filium suum militem faciendum, onerarunt se de aliqua pecuniæ summa recepta de hujusmodi auxiliis a præfato abbate.[1] Nec quod, idem abbas seu aliquis prædecessorum suorum, quicquam ad eadem auxilia, vel ad aliqua alia hujusmodi auxilia, solverunt, ratione terrarum et tenementorum suorum, in villis prædictis.

Et sic liquet per præmissa quod, omnia et singula loca ubi prædictum auxilium regi nunc, concessum, a præfato abbate exigitur, concordant cum locis in carta prædicta specificatis, exceptis Malassart, Grenehamerton, Sandhoton, Growelthorp, Staynburn, Rygeton, Quyxlay, Merston, Munketon, Ilkeley, Lytton, Thressefeld, Melmorby-juxta-Wath, Rokeby, et Pykall, Mellemorby, Renyngton, Neusom, et Thornton-in-Mora, de quibus locis nulla fit mentio in carta prædicta. Unde dictum est præfato abbati quod, solvat summas denariorum ab eo exactas de auxilio prædicto, ratione terrarum et tenementorum suorum in eisdem villis. Ad quod prædictus abbas, per dictum attornatum suum, dicit quod, ipse auxilium prædictum, pro terris et tenementis suis, in dictis locis non nominatis in carta prædicta,

(1) The original documents relating to the collection of these aids are not now known to exist.—Vide *D. K. Second Rep. Pub. Rec.*, Appx. ii. p. 136.

solvere non debet plusquam de aliis terris et tenementis suis in aliis villis in carta prædicta specificatis. Dicit enim, videlicet, quoad Malassart, quod Kirkeby, quæ in carta prædicta nominatur, et Malassart, sunt una et eadem villa, et non diversæ villæ, et aliquando vocatur Kyrkeby-Malassart, et aliquando Kyrkeby, per se; et quoad Grenehamerton et Sandhoton, dicit quod Hamerton, per se nominata in carta prædicta, et Grenehamerton, sunt una et eadem villa, et etiam Hoton et Sandhoton, et non diversæ villæ. Et quoad Growelthorp, Staynburn, et alia loca prædicta, de quibus nulla fit mentio in carta prædicta, &c., dicit prædictus rex Ricardus, per eandem cartam concessit, voluit, et præcepit quod, prædicti monachi tenerent et haberent in perpetuam elemosinam, quietam de auxiliis, quicquid habuerunt de feodo Rogeri de Moubray et Willielmi de Perceio, seu quorumlibet aliorum, et dicit quod omnia terræ et tenementa quæ ipse abbas tenuit, tempore concessionis auxilii prædicti, seu modo tenet in eisdem villis pro quibus auxilium illud ab eo exigitur, sunt de prædicto feodo de Moubray et Perceyo, et fuerunt in possessione abbatiæ prædictæ tempore confectionis cartæ prædictæ, videlicet, xvii die Septembris, anno primo ipsius regis Ricardi.[1] Adjiciendo ipsum seu aliquem prædecessorum suorum aliqua terras seu tenementa in villis seu locis prædictis vel aliquibus eorundum, post dictum xvii diem Septembris, non adquisivisse. Nec ipsum aliqua terras seu tenementa in aliquibus locis prædictis, tam nominatis in carta, quam non nominatis, tenere per feodum militare, vel per partem feodi militis. Nec tempore concessionis auxilii prædicti, tenuisse. Et hæc omnia prætendit verificare, &c. Et petit ut prius, &c.

Et habita inde deliberatione, &c., Concordatum est quod inquirendum inde antequam, &c. Et si idem abbas, dicto anno vicesimo regis nunc, seu dicto xvii die Septembris anno primo dicti regis Ricardi, progenitoris regis nunc, habuit seu modo habeat aliqua terra seu tenementa in villis seu locis prædictis, præter ea quæ continentur in cartis prædictis, et quæ fuerunt de possessione domus suæ prædictæ, tempore confectionis dictæ cartæ regis Ricardi, progenitoris regis nunc, et si sic, tunc quas terras et quæ tenementa, et ubi, et per quod servitium ea tenet. Et præceptum est vicecomiti quod venire faceret, hic, a die Sancti Hillarii in xv dies, duodecim, &c., de visneto[2] villatarum

(1) Lands and tenements in all the places in question—Kirkeby-Malassart, Grenehamerton and Sandehoton being also mentioned by these names—are included in the charter of Richard I., dated 9th November, anno regni 10°, which confirms to the monks of Fountains all their estates, to be held in Frankalmoigne and discharged of Aids.

(2) "It should be *vicineto*: *Vicinetum* is derived of the word *Vicinus*, and signifieth neigh-

et locorum prædictorum, quorum quilibet, &c., per quos, &c., qui nec, &c., ad recogn., &c. Et idem dies datus est abbati. Et interim respect., &c.

Ad quem diem prædictus abbas venit, per prædictum attornatum suum, et vicecomes retornavit breve et nomina juratorum, &c., et ipsi non venerunt. Ideo datus est dies eidem abbati ulterius a die Paschæ in xv dies. Et præceptum est vicecomiti quod distringat juratores, &c. Et præter illos octo tales, &c. Ita, &c., ad eundem diem, vel interim, coram Thoma de Fencotes et Willielmo Basset, vel altero eorum, Justiciariorum regis ad assisas in comitatu prædicto capiendas assignatorum, per literas regis Patentes, ad Inquisitionem illam capiendam, ad certos dies et locum quos, &c. Ita quod Inquisitionem illam habeant, hic, ad prædictam xv^am^. Paschæ.

Ad quem diem prædictus abbas venit. Et prædictus Thomas de Fencotes liberavit hic, quandam Inquisitionem, coram eo apud Ripon, die Martis proximo ante festum sancti Ambrosii, anno xxvii^o^ regis nunc, super præmissis captam per sacramentum Johannis Vavasour de Neuton, Johannis Aldefeld, et aliorum juratorum, quorum nomina annotantur in panello brevis. Qui dicunt supra sacramentum suum quod, Kyrkeby-malassart et Kyrkeby sunt una et eadem villa, et non diversæ villæ, et aliquando vocatur Kyrkeby-malassart et aliquando Kirkeby per se, et quod illud verbum *Malassart* non est nisi quædam adjectio prædictæ villæ de Kyrkeby. Et quod Hamerton et Grenehamerton sunt una et eadem villa, et non diversæ villæ, et aliquando vocatur Grenhamerton, et aliquando Hamerton per se, et quod illud verbum *Gren*, non est nisi quædam adjectio prædictæ villæ de Hamerton. Et quod Hoton et Sandhoton sunt una et eadem villa, et non diversæ villæ, et aliquando vocatur Sandhoton et aliquando Hoton per se, et quod illud verbum *Sand*, non est nisi quædam adjectio predictæ villæ de Hoton. Dicunt etiam quod omnia terræ et tenementa in Growelthorp, Staynburn, et aliis locis, de quibus nulla fit mentio in carta regis Ricardi, sunt de feodo de Moubray et Perceyo, et fuerunt in possessione abbatiæ prædictæ tempore confectionis cartæ prædictæ, per quam quidem cartam prædicti abbas et prædecessores sui omnia prædicta terras et tenementa in prædicto recordo contenta, hucusque tenuerunt in liberam, puram, et perpetuam elemosinam, quieta de omnibus auxiliis et secularibus servitiis. Quæsiti si prædictus abbas, vel aliquis prædecessorum suorum, aliqua terras seu tenementa in prædictis

bourhood, or a place near at hand, or a neighbour place. And the reason wherefore the Jury must be of the neighbourhood, is for that *Vicinus facta vicini præsumitur scire*, all which is implied in this word."—*Co. Litt.* i. § 234.

villis seu locis vel aliquibus eorumdem, quovis modo adquisivit, post datam prædictæ cartæ regis Ricardi sic eis factæ, quæ per servitium militare vel per partem feodi militis tenebantur. Dicunt quod non. Quæsiti si prædictus abbas vel aliquis prædecessorum suorum unquam aliquando solvit ad auxilium pro primogenito filio regis militem faciendo, vel pro primogenita filia regis maritanda. Dicunt quod non.

Et super hoc, prædictus abbas petit judicium, &c. Et quia visum est curiæ expediens esse quod antequam procedatur ad judicium in præmissis, quod certioretur quæ et cujusmodi terræ et tenementa idem abbas teneat in villis prædictis de feodis prædictis, et per quæ facta. Unde dictum est ei quod dicta facta ostendat curiæ, si, &c. Ad quod, idem abbas dicit quod illa facta non habet ad præsens, &c. Et petit diem citra quem, &c. Et super hoc datus est ei dies in Crastino sancti Johannis Baptistæ, ad cartas suas de feoffamento inde ostend. et ad ulterius faciend. quod curia, &c.

Ad quem diem prædictus abbas venit per prædictum attornatum suum et ostendit curiæ tredecim cartas diversorum feoffatorum, qui tenuerunt de feodis de Moubray et Perceyo, quæ irrotulantur in rotulis sequentibus,[1] quarum prima data est circa

(1) Sixteen charters of different feoffees are enrolled at full length on the 43rd and 44th rolls of the record, and purport as follows:

1.—Roger de Mubray, son of William de Mubray, confirmed all the lands, rents, and possessions of the convent in his fee of Wynkesley, Thorp, Kirkebyshyre, and Mildeby.

2.—Isabella de Fortibus, countess of Albemarle and Devon., confirmed grants of the vill of Stainburn with half the vill of Rigton, &c.

3.—John, son of Henry de Hamerton, confirmed the gift of John, his grandfather, of one carucate of land in Quickeslaia, also of two oxgangs of the gift of his aunt Cicely, and of a toft in the same vill which had been granted by his father.

4.—Peter Bruce, the third, confirmed all lands which the abbey of Fountains had of the confirmation of his father, or other ancestors, of his fee and all within it which they held in the vill and territory of Marston.

5.—Richard de Holethorp gave a carucate of land in Munketon.

6.—Gilbert, son of Reinfrid, acknowledged a rent to be payable out of a carucate of land in Munkton.

7.—Richard de Percy gave the vill of Litton, with all his bondmen there, and the valley of Littondale, as defined by bounders.

8.—Helias, son of Adam de Threskefeld, confirmed six oxgangs of land in Treskefeld, and quitclaimed certain rents.

9.—John de Marmyon released the homage for certain tenements in Melmerby, 15 Kal. April, 1298.

10.—Avice Marmyon released her claim in four carucates of land in Melmoreby.

11.—John, son and heir of Jollan de Nevyll, quitclaimed all his right in all lands which the monks had of the gift of William le Fraunceys and others in Rokesby and Pykehale, 1265.

12.—Alan de Arches confirmed certain lands in Rainton. A.D. 1236.

13.—Ranulph de Neusum gave all that he had in Neusum-juxta-Kyrkebywiske, as well in demesne as in service. A.D. 1269.

14.—Ranulph, son of Robert de Neusum, confirmed six tofts, nine oxgangs, and three acres of land in the vill and territory of Neusum, which the monks had of the gift of Ralph de Neusum, his grandfather. He confirmed also all that they held of his fee.

Nativitatem beati Johannis Baptistæ anno gratiæ M° CC° LV^to., in qua, inter alia, continetur quod Rogerus de Mubray, filius Willielmi de Mubray, concessit & confirmavit præfatis monachis, &c. Et petit judicium super præmissis, &c.

Et super hoc, recitato processu prædicto, et habita inde deliberatione, consideratum est quod prædictus abbas, de xi*li.* xiii*s.* viij*d.* quam de prædictis xi*li.* xvi*s.* vij*d.* $q^{a.}$ exoneretur et quietus existat, prætextu præmissorum, et quod, de residuis ij*s.* xj*d.* $q^{a.}$, remaneat oneratus pro terris et tenementis suis in Munketon et Ilkelay, videlicet pro xviij*d.*, in Munketon, ubi dictus abbas non tenet terras et tenementa sua in puram et perpetuam elemosinam, et pro xvii*d.* $q^{a.}$ in Ilkelay,[1] unde non ostendit curiæ cartas de tenura sua ibidem.[2]

XXIII.—PRO ABBATE ET MONACHIS DE FONTIBUS. [Ex Rotul. Pat., 27 Edw. III., pars 2., mem. 15.]

Rex, omnibus ad quos, &c., salutem. Inspeximus quandam cartam quam dominus Henricus, dudum rex Angliæ, progenitor noster, fecit monachis de Fontibus, in hæc verba. Henricus, rex Angliæ, et dux Normanniæ et Aquitaniæ, et comes Andegaviæ.—[*Ut antea*, No. iii. p. 3.]

Inspeximus etiam quasdam literas patentes quas celebris memoriæ dominus Edwardus, rex Angliæ, avus noster, fieri fecit in hæc verba. Edwardus, Dei gratia, &c., salutem. Inspeximus cartam celebris memoriæ domini Ricardi, regis Angliæ, [*ut antea*, No. viii. p. 8]. Quam quidem cartam, propter rupturam sigilli,

15.—Walter de Beaurais gave an oxgang of land in Thornton-on-the-Moor, which his lord, Richard Malebisse, has given him.

16.—Richard Malebisse gave all the land which he had in Thornton, and all the men dwelling on the same.

(1) The abbot held here half a carucate of land, given by Robert de Skeggenese, "in perpetuam elemosinam—reddendo inde annuatim unam libram cymini, vel vi*d.*, ad festum sancti Botulphi, et faciendo forinsecum servitium, quantum pertinet ad dimidiam carucatam terræ in prædicta villa, pro omni servitio et omni re ad terram pertinente."—*Coucher Book*, fol. 99 *b*.

(2) "Abbas de Fontibus debet xxxij*s.* viij*d.* ob. de auxilio Regi, ad primogenitum filium suum militem faciendum, concesso anno xx°, pro tribus xxxiiij^tis parte et xl^a parte unius feodi in Ilkelay, Hoton, et aliis villis, sicut continetur in rotulis principalibus. Et lx*s.* viij*d.* q^a de eodem auxilio, pro 1 feod. di. et lx^a parte feodi in Heton, Kirkeby-Malesart et aliis villis, sicut continetur ibidem. Et vij*li.* iij*s.* ij*d.* ob., de eodem auxilio, pro iij feod., di., xx^a, xl^a, et quarta parte xl^e partis unius feodi militis in diversis locis ibidem. Summa xl*li.* xvj*s.* vij*d.* q^a. Sed non debet summoniri de xj*li.* xiij*s.* viij*d.* q^a, inde per breve regis irrotulatum in memorand. de anno xxvijo. Regis hujus, termino Michaelis, et per processum inde habitum, et per considerationem Baronum annotatam in Rotulo placitorum de anno xxvijo. Regis hujus, inter Placita de termino Hillarij. Et debet ij*s.* xj*d.*, videlicet, xviij*d.* in Munketon, ubi non tenet terras et tenementa in puram et perpetuam elemosinam, et xvij*d.* q^a, in Ikelleye."—*Magn. Rotul. Pipæ*, 27 Edw. III., Resid. Ebor.

&c. In cujus, &c. T. R. apud Karliolum, duodecimo die Aprilis, anno, &c. 35°.—[No. xiv. p. 21.][1]

Nos autem concessiones et confirmationes prædictas ratas habentes et gratas, eas, pro nobis et hæredibus nostris, quantum in nobis est, nunc abbati et monachis dicti loci de Fontibus, et eorum successoribus approbamus et confirmamus, sicut cartæ et literæ prædictæ rationabiliter testantur, et prout ipsi et eorum prædecessores terras, tenementa, abbatiam, et grangias prædicta, hactenus rationabiliter tenuerunt, et libertatibus et quietanciis prædictis rationabiliter usi sunt et gavisi. In cujus, &c. T. R. apud Westmonasterium, xxx°. die Maii.

*Pro una marca regi soluta in hanaperio.*

XXIV.—PRO ABBATE ET CONVENTU DE FOUNTAYNES.—[Ex Rotul. Memorand. in Scacc, 27 Edw. III., inter "Brevia directa Baronibus de termino sanctæ Trinitatis, annno 27° regis Edwardi tercii a Conquestu."]

Rex, Thesaurario et Baronibus suis de Scaccario, salutem. Volentes certis de causis certiorari si abbas et conventus de Fountaynes aliqua terras seu tenementa teneant de nobis in capite, et si ipsa abbathia de Fountaynes de fundatione aliquorum progenitorum nostrorum existat, vobis mandamus quod, scrutatis rotulis et memorandis scaccarii prædicti præmissa tangentibus, nos de eo quod inde inveneritis reddatis in Cancellaria nostra, sub sigillo scaccarii prædicti, distincte et aperte, sine dilatione, certiores, hoc breve remittentes. Teste me ipso apud Westmonasterium, tercio die Julii, anno regni nostri Angliæ vicesimo septimo, regni vero nostri Franciæ quartodecimo.

Hoc breve remittitur Cancellario indorsatum. sic. Scrutatis rotulis scaccarii, pretextu hujus brevis, non est compertum in eisdem quod abbas et conventus de Fountaynes tenent aliqua terras seu tenementa de rege in capite, nec etiam quod abbathia de Fountaynes sit de fundatione aliquorum progenitorum regis.

XXV.—CARTA REGIS EDWARDI TERTII, DE PERPETUA EXONERACIONE CORRODII, EX CERTA SCIENTIA IPSIUS REGIS.

Edwardus, Dei gratia, rex Angliæ et Franciæ et dominus

(1) This is the charter of king Richard I., cited in the Plea of the Court of Exchequer, (page 37) which was pending when the present confirmation was obtained and enrolled with the pleadings.

Hiberniæ, omnibus ad quos præsentes literæ pervenerint, salutem. Sciatis quod, cum nuper pro eo quod dilecti nobis in Christo abbas et conventus de Fontibus concesserunt, ad requisitionem nostram, Johanni de Waltham, nuper nuntio nostro, jam defuncto, quandam sustentationem ad totam vitam suam, de domo sua prædicta recipiendam, volentes securitati ipsorum abbatis et conventus providere in hac parte, concesserimus, pro nobis et hæredibus nostris, eisdem abbati et conventui quod concessio sua prædicta, præfato nuntio nostro de sustentacione prædicta, sic ad nostram requisitionem et de eorum libera voluntate facta, non cederet eis in prejudicium nec traheretur in consequentiam in futurum, nec quod ipsi vel eorum successores, occasione concessionis prædictæ, de alia sustentatione vel pensione aliis concedenda per nos vel hæredes nostros aliqualiter onerarentur, sed inde imperpetuum essent quieti, et nos, postmodum, non obstantibus eisdem literis, mandaverimus præfatis abbati et conventui quod Johanni de Chirteseye, servienti nostro, talem sustentationem de domo sua prædicta, qualem prædictus Johannes de Waltham, ad rogatum nostrum, habuit in eadem concederent.

Et quia, scrutatis rotulis, tam de cancellaria quam de scaccario nostris, non est compertum quod prædicti abbas et conventus tenent aliqua terras seu tenementa de nobis in capite, nec quod abbatia de Fontibus est de fundatione aliquorum progenitorum nostrorum, per quod ad hujusmodi sustentationem concedendam teneantur.

Nos, eo pretextu, volentes tranquillitati et quieti ipsorum abbatis et conventus, ne ipsi vel eorum successores, per sinistram suggestionem, vel procurationem aliquorum hujusmodi occasione sustentationis, vel pensionis, ad mandata nostra vel hæredum nostrorum concedendæ, prægraventur in futurum, uberius providere, ex habundanti et ex certa scientia, eosdem abbatem et conventum, de sustentatione prædicta, prædicto Johanni de Chirteseye, seu cuicumque alii personæ, ad mandata nostra vel hæredum nostrorum, de cætero, concedenda, pro nobis et hæredibus nostris exoneramus per præsentes. Volentes et concedentes, pro nobis et hæredibus nostris, quod præfati abbas et conventus et eorum successores, de hujusmodi sustentatione sive pensione, sint quieti imperpetuum. In cujus rei &c. Teste meipso apud Westmonasterium, xxii° die Julij, anno regni nostri Angliæ vicesimo septimo, regni vero nostri Franciæ decimo quarto.

*Fol.* 8.

[*Per ipsum Regem, nuniciante Ricardo de Norwico.*] [1]

(1) Enrolled on Rot. Pat., 27 Edw. III., p. ii. m. 18.

XXVI.—PRO ABBATE DE FONTIBUS EX EXEMPLIFICATIONE.—[Ex Rotul. Pat., 36 Edwardi III., pars ii. m. 17.]

Rex, omnibus ad quos &c. salutem. Inspeximus cartam celebris memoriæ domini Ricardi, dudum regis Angliæ, progenitoris nostri, in hæc verba. Ricardus, Dei gratia, rex Angliæ. —[*Ut supra*, No. viii. p. 8.]

Nos, autem, cartam prædictam, ad requisitionem dilecti nobis in Christo, nunc abbatis loci prædicti, duximus exemplificandam, per præsentes. In cujus &c. Teste rege, apud Westmonasterium, xxix° die Octobris.

XXVII.—PRO ABBATE DE FONTIBUS, DE CONFIRMATIONE REGIS EDWARDI TERTII.—[Ex Rotul. Chart., 40 Edwardi III., n. 8.

Rex eisdem, salutem. Inspeximus literas patentes celebris memoriæ domini Edwardi, nuper regis Angliæ, avi nostri, in hæc verba.

Edwardus, Dei gratia, rex Angliæ, &c. Inspeximus cartam celebris memoriæ domini Ricardi, quondam regis Angliæ, progenitoris nostri, in hæc verba. Ricardus, Dei gratia, &c.—[*Ut supra*, No. viii. p. 8.] Quam quidem cartam, propter rupturam sigilli eidem cartæ appositi, de verbo ad verbum, duximus per præsentes exemplificandam. In cujus rei &c. Teste meipso, apud. Karliolum, duodecimo die Aprilis, anno regni nostri tricesimo quinto.—[No. xiv. p. 21.]

Nos, autem, concessiones et confirmationes prædictas, ratas habentes et gratas, eas, pro nobis et hæredibus nostris, quantum in nobis est, approbamus, et dilectis in Christo, nunc abbati et monachis loci prædicti et successoribus suis, tenore præsentium confirmamus, prout cartæ et literæ prædictæ plenius testantur.

Præterea, ob devotionem et affectionem quas ad beatam et gloriosam virginem Mariam, in cujus honore ecclesia abbatiæ prædictæ dedicata existit, gerimus et habemus, volentes præfatis abbati et monachis gratiam facere specialem, concessimus, et hac carta nostra confirmavimus, pro nobis et hæredibus nostris, eisdem abbati et monachis, quod licet ipsi vel eorum prædecessores aliqua vel aliquibus libertatum vel quietanciarum in dictis cartis et literis contentarum, aliquo casu emergente, hactenus usi et gavisi non fuerint, ipsi tamen abbas et monachi et eorum suc-

cessores, omnibus et singulis libertatibus et quietanciis in dictis cartis et literis contentis, de cætero, plene gaudeant et utantur, absque impedimento nostri vel hæredum nostrorum, justiciorum, escaetorum, vicecomitum, aut aliorum ballivorum seu ministrorum nostrorum quorumcumque. Hiis testibus, venerabilibus patribus, S. Elien., cancellario. J. Bathon. et Wellen., thesaurario, nostris episcopis; Johanne, duce Lancastriæ, Edmundo comite Cantebrigiæ, filiis nostris carissimis; Ricardo, Arundell. et Surr., Humfrido de Bohun, Herefordiæ et Essexiæ, comitibus; Johanne atte Lee, senescallo hospitii nostri, et aliis. Data per manum nostram, apud Claryndon, vicesimo sexto die Junii.[1]

*Per breve de privato sigillo.*

XXVIII.—PRO ABBATE DE FONTIBUS DE CONFIRMATIONE.—[Ex Rotul. Pat., 3 Ric. II., pars iii. m. 19.]

Rex omnibus ad quos, &c. Inspeximus cartam domini Edwardi regis Angliæ, avi nostri, in hæc verba.

Edwardus, Dei gratia, rex Angliæ, dominus Hiberniæ, &c. Inspeximus literas patentes celebris memoriæ domini Edwardi nuper regis Angliæ, avi nostri, in hæc verba, Edwardus, Dei gratia, &c.—[*Ut supra*, No. xxvii. p. 46.]

Nos, autem, concessiones et confirmationes supradictas ratas habentes et gratas, eas, pro nobis et hæredibus nostris, quantum in nobis est, acceptamus, approbamus, ratificamus, et eas dilectis nobis in Christo, nunc abbati et ejusdem loci conventui et eorum successoribus, tenore præsentium, concedimus et confirmamus, prout cartæ et literæ prædictæ rationabiliter testantur. In cujus, &c. Teste rege, apud Westmonasterium, xvi° die Aprilis.

*Pro quadraginta solidis solutis in hanaperio.*

XXIX.—[CARTA REGIS RICARDI SECUNDI, DE INSPECTIONE CARTÆ REGIS EDWARDI TERTII.]

Ricardus, Dei gratia, rex Angliæ, &c., salutem.

Inspeximus cartam domini Edwardi, nuper regis Angliæ, avi nostri, factam in hæc verba. Edwardus, Dei gratia, rex

(1) On the same day, the abbot and convent obtained from king Edward III., a confirmation of the third charter granted to them by king Richard I. See No. x., page 13.

Angliæ, &c., salutem.[1] Inspeximus cartam celebris memoriæ domini Ricardi quondam regis Angliæ, progenitoris nostri in hæc verba. Ricardus, Dei gratia, &c.—[No. x. p. 13.]

Nos autem, cartam ipsius avi nostri prædictam et omnia contenta in eadem, rata habentes et grata, ea pro nobis et hæredibus nostris, quantum in nobis est, acceptamus, approbamus, ratificamus, et nunc abbati et monachis loci prædicti et eorum successoribus, tenore præsentium, concedimus et confirmamus, prout carta ipsius avi nostri prædicta plenius testatur. In cujus rei testimonium has literas nostras fieri fecimus patentes. Teste meipso apud Westmonasterium quinto die Marcii, anno regni nostri nono. *Fol.* 10.

[*Pro decem libris solutis in hanaperio.*][2]

XXX.—DE CONFIRMATIONE PRO ABBATE DE FONTIBUS.—[Ex Rotulo Pat., 3 Henrici VI., pars ii. memb. 2.]

Rex omnibus ad quos, &c., salutem. Inspeximus literas patentes domini Ricardi, nuper regis Angliæ, prædecessoris nostri, factas in hæc verba. Ricardus, Dei gratia, rex Angliæ et Franciæ, &c. Inspeximus cartam domini Edwardi, nuper regis Angliæ, avi nostri, factam in hæc verba, Edwardus, Dei gratia, &c.—[No. xxix. p. 47.] Inspeximus cartam celebris memoriæ domini Ricardi, quondam regis Angliæ, progenitoris nostri, in hæc verba, Ricardus, Dei gratia, &c.—[No. x. p. 13.]

Nos autem easdem literas prædicti nuper regis, de hujusmodi concessionibus, libertatibus et quietanciis, minime revocatis, de avisamento et assensu dominorum spiritualium et temporalium, in Parliamento nostro, apud Westmonasterium, anno regni nostri primo, tento existenti, approbamus, ratificamus, confirmamus, prout literæ prædictæ rationabiliter testantur, et prout eisdem

(1) This charter of 40 Edward III., is attested by the same witnesses as his charter No. 27, p. 46, and is in every other respect a copy of it, except that the present inspects the charter of Richard I. (No. x. p. 13), and the former the charter of that monarch which forms No. viii. p. 8, of the preceding text; so that both these charters of Richard I. were confirmed by Edward III. on the same day, though only No. 8 is enrolled on his Charter Roll.

(2) Enrolled on the Patent Roll, 9 Ric. II., p. ii. m. 25.

On the same day when King Richard II. granted the charter recited above, he confirmed to the abbey of Fountains, by Letters Patent, of which the original under the great seal is preserved at Studley-Royal, two charters of John de Mowbray, Lord of the Isle of Axholme and Honor of Brembre, dated respectively, June 24th, 1356, and May 13th, 1258, and confirmatory of two grants of his father, John de Mowbray. The one relates to the Grange of Aldborough, the Forest of Niderdale and other estates in Kirkbyshire and elsewhere, and is dated April 8th, 1317; the other to an agreement made with the abbot of Fountains, March 7th, 1338, relative to the exercise of certain privileges within the Free Chace of Niderdale.—*Rot. Pat.*, 9 E. II. p. 2, m. 26.

abbas et monachi et prædecessores sui, concessionibus, libertatibus, et quietanciis prædictis, a tempore confectionis literarum prædictarum, rationabiliter uti et gaudere consueverunt. In cujus, etc. Teste rege, apud Westmonasterium, ix° die Januarii.

*Per breve de Privato sigillo.*

XXXI.—EXEMPLIFICATIO[1] REGIS HENRICI SEXTI QUORUMDAM STATUTORUM,[2] AC PETITIONIS, ASSENSUS ET RESPONSIONIS IN PARLIAMENTO, AD REQUISITIONEM ABBATIS DE FONTIBUS.—[Ex Orig. penes Comitem de Grey et Ripon.]

Henricus, Dei gratia, rex Angliæ, Franciæ, et dominus Hiberniæ, omnibus ad quos præsentes literæ pervenerint, salutem.

Inspeximus tenorem cujusdam Statuti in parliamento domini Edwardi tertii, nuper regis Angliæ, progenitoris nostri, apud Norhampton, anno regni sui secundo, tento,[3] inter cætera editi et provisi, in hæc verba:—Et pur ceo que la peas ne poet my estre bien gard saunz bones ministres, come viscountes, baillifs, & hundreders, qe devient faire execucion, auxi bien dez b'reis[4] le Roy come des autres choses touchant le Roy & son people, accordez est & establiz que lestatut fait en temps le Roy E., piere le Roy que or est, a Nichole, contenant que viscontes, hundreders, & baillifs soient [des] gentz[5] eiantz terres en mesmes lez countees ou baillies soit garde en toutz pointz, solonc la fourme de ycell; et auxint que lez viscontez & bailiffs de fee, facent garder mesmez les[6] countees & baillies per gentz eiantz terres et tenementz en ycell.[7]

(1) This Exemplification recites statutes enacted in the parliaments of Edward II., Edward III., Henry IV., and Henry V., relating to the duties of sheriffs and their bailiffs, and also those passed in the reign of Henry VI., providing that certain abbots and priors, and other religious persons, having lands and tenements within the Wapentakes of Staincliffe and in Freindless Wapentake in Yorkshire, may appoint attornies to appear in the courts there, and plead all lawful pleas, and that the stewards shall receive all such attornies and pleas; and, also, an act of king Henry VI., whereby the said provisions are extended to all the religious and secular persons in all Hundred courts throughout the realm. It likewise includes a petition to the same king from the abbot and convent of Fountains, who had suffered especial losses and inconveniences, through the feigned actions of malicious plaintiffs, and in the abbot being illegally compelled by the stewards of the courts to appear, personally, to wage his law. On consideration of this petition, its prayer was enacted by stat. 33 Hen. VI. cap. 6.; but as the recital is couched in the same terms as those used by the petitioners, and it has been printed among the statutes of the realm—vol. ii. p. 375—it is not requisite to subjoin it in the text.

(2) The several statutes recited have been collated with the copies in the authorized edition of the statutes of the realm; but the only variations, except those in the orthography, which need be mentioned here, are inserted in the following notes, with the addition of the letter S.

(3) The statute of Northampton, 2 Edw. III. cap. 4—*Stat. of the Realm*, vol. i. p. 257,—confirming the statute of Lincoln, 9 Edw. II., concerning sheriffs.—*Ibid.*, vol. i. p. 174.

(4) privetez. S.

(5) des gentz. S.

(6) lour Countees. S.

(7) terres en yceles. S.

Inspeximus, etiam, tenorem alterius Statuti in parliamento domini Henrici, nuper regis Angliæ, avi nostri, apud Westmonasterium, anno regni sui quarto, tento,[1] inter alia editi et provisi, in hæc verba. Item ordeignez est & assentuz que chescun Viscount d'Engleterre soit demurrant en propre persone deins sa baillie pur le temps, qil serra tiel officer; et qil ne lesse sa dicte baille a ferme a nully pur le temps qil occupiera celle office; Et que a ceo faire soit tiel Viscount jurrez de temps en temps, en especial, enterre les aultres articles comprises deins[2] le serement du Viscount.

Inspeximus, insuper, tenorem cujusdem alterius statuti in parliamento domini Henrici nuper regis Angliæ, patris nostri, apud Westmonasterium, anno regni sui primo, tento,[3] inter alia editi et provisi, in hæc verba. Item, pur ceo que les lieges nostre seigneur le Roy nosent mye poursuier ne compleindre de extorcions & oppressions a eux faitz per lez ministrers, dez Viscountz, cestassavoir per lez[4] Southviscountes, clerkes de Viscountz, resceivours & baillifs des Viscountz, a cause qe les ditz Southviscountz, clerkes, resceivours, & bailliffs des Viscountz sont[5] continuelment de an en an demurrantz ovesque les Viscountz enterchaungeablement en une office ou en aultre; nostre Seigneur le Roy, de l'advys & assent suisditz, & a le request des ditz communes, adordeignez & estabiiez, qe ceux qe sont bailliffs des Viscountz par une an, ne soient en null tiel office par lez troys anz proscheins ensuantz, forspris les baillifs dez Viscountz queux sont enheriteez en lour Viscountes: et que null Suthviscount, ne clerk de Viscount, resceivour de baillif de Viscount soit attourne en ascun court de Roy, pour le temps qil est en office ovesqe ascun[6] tiel Viscount.

Inspeximus, etiam, tenorem cujusdam statuti in parliamento nostro, apud Westmonasterium, anno regni nostri nono,[7] tento, inter alia facti et editi, in hæc verba. Item, come en le parlement tenuz a Westm., le xvi jour de Marce, lan du Roy Henri, pier nostre Seigneur le Roy qe orest, tierce,[8] ordeine estoit un estatut en la fourme q ensuit.

(1) Stat., 4 Hen. IV. cap. 5.—*Stat. of the Realm*, vol. ii. p. 134.
(2) en le serement. S.
(3) Stat., 1 Hen. V. cap. 4.—*Stat. of the Realm*, vol. ii. p. 171.
(4) par Southviscountz. S.
(5) sount sy continuelment. S.
(6) au aucun. S.
(7) Stat., 9 Hen. VI. cap. 10.—*Stat. of the Realm*, vol. ii. p. 268.
(8) The Statute, 3 Hen. V. st. ii. cap. 2. —*Stat. of the Realm*, vol. ii. p. 192—was passed at the prayer of the Commons, and, very probably, at the suggestion of the abbot of Fountains and other Religious persons who might be aggrieved. The recital generally adopts the phraseology of the petition, which will be found in *Rotul. Parl.*, vol. iv. p. 77; but some suggestive variations are referred to in the following notes, distinguished by the letter P.

Item, pur ceo que plusours abbes, priours, & autres religieuses y soient, dount ascuns sount del fundacion nostre Seigneur le Roy, & ascuns del fundacion dáutres seigneurs, demurrantz si bien deins le countee d'Everwyk, come en le countee de Lancastre, dount ascuns ount possessions deins les Wapentakes de Staynclyf Wapentak, & Frendeles Wapentak, en Craven,[1] en le countee d'Everwyk, & ascuns nemye; vers queux plusours gentz de jour en autre, per procurement & abettement des ballifs,

(1) This Wapentake is not mentioned in the Domesday Book, Testa de Nevill, Nomina Villarum 9 Edw. II., nor, so far as I have ascertained, in the long series of the Subsidy rolls. And the question as to its precise locality is rendered more complicated by the fact that, in this and other statutes, and also in the petitions connected with the present subject, it is stated to be "*en Craven*," a district in the West Riding of Yorkshire, which, though bearing that name in the Domesday Survey, appears never to have been subsequently recognised by any Civil or legal boundary, but, from the year, 1316, at least, to have been co-extensive with the Wapentake of Staincliffe (*Nom. Vill., Parl. Writs*, vol. ii. div. 3. p. 414.) In the year 1411, 13 Hen. IV.—before a legislative remedy had been provided for the abuses which were the subject of the statutes recited in the text—the abbot and convent of Furness in Lancashire, who in consequence of the position of their House, distant forty miles from Craven, and rendered more inconvenient by the intervention of "deux perilouse braces du mere contenantz en laeure xii leukes," were especially harrassed by "pleuseurs mail veullantz ymaginantz pur destruier la dite abbacie & divines Services illeoques," petitioned the Commons in Parliament, and obtained a statute relative to their lands and tenements, rents and possessions of the abbey "*en Craven, deins Staynclyf-Wapentak & Frendles-Wapentak* en le Counte d'Everwyk."—*Rotul. Parl.*, vol. iii. p. 657. *Exempl. Stat., Rotul. Pat.* 13 Hen. IV., p. i. m. 11. *Rot. Pat.* 9 Hen. VII., p. 1. mm. 25, 27. Now, when the abbot of Furness rendered an account of the revenues of his monastery to the Ecclesiastical Commissioners in 1535, he enumerated estates in twenty-nine different places in the West Riding of Yorkshire, and of these eight were situated in the Wapentake of Staincliffe, and twenty-one within the adjacent wapentake of Yewcross, according to the constitution of these divisions in the year 1316, and at the present time. In the Domesday Survey, the manors which compose the last mentioned district were included within Amounderness, and not within Craven, but it bore the name of "Yhucros Wapentake" as early as the year 1244.—*Orig.*, 29 Hen. III. rotul. 2. Without attempting to explain the reason why the word "Frendles" was applied to a wapentake, I am, therefore, inclined to assume that "Frendles-Wapentak" was an appellation sometimes popularly applied to the district legally known by the name of the wapentake of Yewcross, which, sharing so many of the peculiar physical features of Craven, was generally reputed to have been included within its natural limits. Dugdale indeed says (*Baron.*, i. p. 298), on the authority of the collections of Glover, Somerset-herald, that John of Gaunt, duke of Lancaster, gave "Fiendeleye in Richmondshire" in the North Riding of Yorkshire to Ralph earl of Westmerland; and a Feodary's account, entered in the *Regist. Hon. de Richmond*, p. 88, shews that certain payments in Blanch-farm, due to Johanna countess of Westmerland, were payable at Frendlesse Wapentake, out of lands in the fee of Fitzhugh at Tanfield and Exilby, within the wapentake of Halikeld, and at Manfield within the wapentake of Gilling-East, in the Honor of Richmond. These circumstances, however, may rather confirm than invalidate my conjecture, that "Frendles" was a name popularly applied; since, among the Particulars of Fee-farm rents, reserved on grants from the Crown, taken under a Commission grounded upon an act or ordinance of Parliament passed 11th of March, 1649, are included Fee-farm rents, "infra Wapentag. de Hallikeld Frendles;" "infra Balliat. de Gilling-West et Frendlesse;" "infra Wappentag. de Gilling-West Frendlesse;" and "Wapent. de Hang-Est Frendlesse;"—districts which compose the whole of Richmondshire, with the exception of the Wapentake of Hang-West.—*Partic.*, &c., *in Augm. Office*, mm. 382, 383, 384, 390. I need only add that, with the exception of the Feodary's entry mentioned above, the word Frendlesse is never used in connection with a wapentake throughout the whole of the records contained either in the *Registrum Honoris de Richmond*, or its Appendix, and that the learned editor had acquired so little information on the subject as to remark, "ubinam gentium hodiè sit quæras, nos equidem ignoros fatemur."—*Obs. in Regr.*, p. 252.

approvours des Courtes des ditz Wapentakez, & des seneschalx qi teignent plees es dites courtes, & des fermours des profitz & revenuez des ditz courtes, feinent & procurent par eux & autres de lour covyne & assent, diverses pleintes & plees de dette & trespas, & autres plees diverses, es courtes des ditz Wapentakes, & lou mesmes les abbes & priours veignent es ditz courtes, por lour defendre de tielx torcenouses pleintes & plees, & priont & preferount as seneschalx & baillifs des ditz courtes, de faire lour attournes en tielx plees, les ditz seneschalx & baillifs le refusent, & ne voillent resceiver tielx attournes des ditz abbes & priours, de null plee de dette, trespas, ne autre plee. Et oultre ceo, mesmes les seneschalx & baillifs, de lour auctorite demesne, amercient les ditz abbes & priours, pur chescun pleint, al primer foitz[1] pur chescun des ditz pleintees, x*s*. ou xx*s*., ou pluis a lour volunte, a tresgraunde[2] damage & anientisment de les abbes & priours avauntditz[3] et encountre reson & la commune ley de la terre. Si le Roy adordeine en remedie le lez ditz grevaunces, que toutz tielx abbes & priours, & lour successours, & chescun de eux ensi vexez es ditz courtes, purront faire lour attournes ou attourne generall, cest assavoir, chescun[4] de eux de soubz le commune seal de sa meason, pur gainer & perdre [en][5] chescun maner de plee, [de][6] dette, & trespas, & en autre plee quelconqe, moeve ou a moever es ditz courtes, & en toutz autres courtes, deins les Wapentakes avauntditz. Et que les seneschalx & baillifs des ditz courtes,[7] receivent les ditz attournees issint faitz, & nommes saunz ascun contradiccion. Et si mesmes les senescalx & bailiffs, refusent de resceiver ascun au ascuns tielx attournes, issint faitz[8] & nommez, affairs ou anomers, adonqes les ditz seneschalx & baillifs, a chescun foitz de tiel refuser de tielx attournes, forfacent & encourgent la peine de x*li*[9] au Roy.

(1) a primere foitz xii*d*., & a chescun autre foitz, pur chescun des ditz pleintz, x*s*. & xx*s*., et pluis a lon volunte. P.

(2) a graund damage. P.

(3) Et derogation des divines services en lour Abbacies et Priories avaunt ditz. P.

(4) chescun Abbee desoubz son seal de son Abbaie, & chescun Priour desoubz son seal de son Priorie. P.

(5) en chescun. S. P. (6) de dette. P.

(7) Countees. S. *Courtz* in the Petition to Parl., 3 Hen. V., (*Rot. Parl.*, vol. iv. p. 77) and *Courtees* in the recital of the Act of 3 Hen. V., passed in consequence, in the Petition of 15 Hen. VI., (*Ibid.*, vol. iv., p. 507) but, *Countees*, in the Petition 9 Hen. VI.—*Ibid.*, v l. iv. p. 77.

(8) issint faitz & nomez affairs ou [anomers *Transcript* 2] qadonques les ditz. S. issint faitz and nomez, affaire ou a nomer, q' les Seneschalx.—*Pet.*, 3 H. V. issint faitz & nommes, affaires ou a nommez, q' adonques lez ditz Seneschalx.—*Petition*, 9 *H. VI.*, reciting Stat. 3 H. V.—*Rot. Parl.*, vol. iv. p. 381. issint faitz ou nommes, a fairs on a nomiers; q' adonques les ditz Seneschalx.—*Pet.*, 15 H. VI., reciting Stat., 3 Hen. V.—*Rot. Parl.*, vol. iv. p. 507.

(9) la peine de x*li*. au Roy. Et que le Roy ent eit l'ene moite, & la partie greve l' autre moite. Et que la partie greve eit sa suyte si b'n pur le Roy, come pur luy mesmes, par brief de

Et qe les ditz abbes & priours ou lour successours es ditz countees[1] nen ascun de eux, pur ascun nounsuite ou defaute, ne soient amerciez en null' autre maner que seculers persones. Et que cest ordinaunce estoise in sa force pur tout lan proschein a venir, & qe tanqe a le parlement mesme lan proscheinement ensuant; Puis la determinacion de quel estatut, pur ceo qil ne fuist ordeine a durer forque pur certeine temps ore determine & passe, [les] meschiefes[2] & grevaunces suisditz remainent a present nient remediez, & s'abundent & encrescent de jour en autre, pluis que unqes ne fierent; & oultre, les ditz seneschalx & baillifs ne voillent ore resceiver null autre plee ne respounce, des ditz abbes & priours en les ditz courtes, forsque tant soulement de gager lour ley, a l'entent qe ils deussent de necessite apparoir devaunt eux en lour propre persones, a lour tresgraunde vexacion & grevaunce.

Pur quoy considerez les mischiefs & grevaunces suisditz, pur la consolacion & reliefement dez ditz abbes & priours & des autres religious[3] desuisditz, par advis & assent des seigneurs espirituelx & temporelx suisditz, & auxi a la especiall request des ditz communes,[4] ordeinez est qe le dit estatut fait le dit an tierce soit tenuz & observez come bone & effectuell tanqil plerra a nostre Seigneur le Roy.

Inspeximus etiam tenorem alterius statuti in parliamento nostro, apud Westmonasterium, anno regni nostri quinto decimo tento, inter alia facti et editi, in hæc verba.[5] Item nostre dit

dette a la commune Ley. Et si la partie greve n' ose ou ne vorra suer en celle cass, qe celluy qi voet suet, si b'n pur le Roy, come pur luy mesmes, eit sa suyte & la moite des ditz xl*i*. en manere & fourme avaunt ditz. P.

(1) Courtz. P. (2) les meschiefes. S.

(3) religiouses. S.

(4) The Petition which caused the enactment of this Statute will be found in *Rotul. Parl.*, vol. iv. p. 381. After reciting the Statute 3 Hen. V., cap. 2, the Commons pray the king, "qe luy pleise de sa benygne grace, pur le consolation & reliefment dez ditz Abbes & Priours, & dez autres Religiousez lez divinez servicez illeoques faisantz, par assent des Seigneurs Espirituelx & Temporelx," &c., to ordain and establish that the said abbots and priors, and their successors, might appear by their attornies, appointed under the Common Seal of the House, and that if the seneschals or bailiffs of the court refused to receive them, they should forfeit £10 to the king; but the proposition which follows—"et atannt a la partie greve en cell' partie, dount mesme la partie eit brief de dette, founduz sur mesme cest Estatut," was not accepted by the Crown. The answer to the Petition was—"Soit l' Estatut fait le dit an tierce, tenuz & observez come bone & effectuel, tan q'il plerra a nostre dit Sieur le Roy." The Statute therefore merely established and affirmed the provisions of the Act, 3 Hen. V.

(5) Stat., 15 Hen. VI., cap. 7.—*Stat. of the Realm*, vol. ii. p. 300. This act was passed on the Petition of the Commons, printed in *Rot. Parl.*, vol. iv. p. 507. After a recital of the Statute, 3 Hen. V., it enacts, without alteration, the several clauses suggested in the Petition, on which is endorsed,—"Be it as it is desired be the Petition, as long as it shall like the kyng." Thus the abbots and priors not only gained at length their cherished object as to the division of the Penalty, but the extension of the previous Ordinances, with this increased efficiency, to all the Religious houses in the kingdom.

Seigneur le Roy pur assent des Seigneurs & Communes avaunt-ditz, adordeine & establie pur auctorite suisditz, qe desore evanaunt, toutz les abbes & priours & autres religiouses, & lour successours, & chescun de aux, qe ount ascuns terres, tenementes, ou autres possessions deins ascuns de les Wapentakes de Staynclif Wapentake & Frendeles Wapentak en Craven, en le counte d'Everwyk, purront fair lour attournees ou attournee generalx ou generall, en toutz les courtes deins les ditz Wapentakes, & chescun de eux, cestassavoir, chescun des ditz abbes, priours, & religiouses, severalment, de soubz le commune seal de sa meason, pur gayner & perdre en chescun maner de plee, par ascun, ou vers ascun de eux, en les ditz courtes, ou ascun deux, moevee ou amoevers; & qe lez ditz abbes & priours, & autres religiouses, & lour ditz attournes, & chescun deux, purront pleder en les ditz courtes, & en chescun deux, toutz maners de plees qe sount in ley pledables, & en ley allowables; et qe chescun seneschall & baillif de ou en ascun de les ditz courtes, pur le temps esteant, resceive auxibien chescun attourney en la manere suisdit destre fait, come les ditz plees, par lez ditz abbes, priours, & religiouses, & par lour ditz attournes, & par chescun de eux, destre pledes, saunz amercier les ditz abbes, priours & religiouses, ou ascun de eux, en le manere desuisdit, ou autrement que persones seculers ensemblable cas saunz fraude seroient amerciez; et que chescun des seneschall & bailiffs suisditz a chescun foitz qil face le contraire de cest ordenaunce, forfate & encourge la peine de x*li.* au Roy; & qe chescun persone qe voiet suer pur le Roy en celle cas, eit brief de dette foundue sur ceste estatut, & eit lune moite pur soun labour, & le Roy lautre moiete. Et qe en mesme le maner, toutz autres abbes, priours, & autres religiouses, & lour successours, & autres seculers qeconqes deins cest Roialme, en chescun Hundred & Wapentak, deins mesme le Roialme, poent faire lour attournes generalx, ou generall,[1] pur pleder pur eux & chescun de eux, en la fourme suisdit, cestassavoir, les ditz abbes, priours, & religiouses, desouth le commune seal, & les seculers persones desoubz lour sealx. Et si les seneschalx, baillifs, ou ascun ministre de ascun tiel Hundrede ou Wapentak, face le contrairie dicell, forfait chescun deux au Roy x*li.* come desuis est dit. Et dureront icestes ordinaunces[2] & establisshment tanc come il plerra au Roy.

Inspeximus etiam quandam petitionem[3] nobis in præsenti

(1) ou generall. S.

(2) ordinaunce. S.

(3) The original Petition, with which the text has been collated, still remains, among the Petitions to the King and Council, in the Public Record Office, vol. F., No. 109. It has been printed in *Rotul. Parl.*, vol. v. p. 325, from a copy corrected, as is said—*Ibid.*, p. i.—from the

parliamento nostro, apud Westmonasterium, nono die Julii ultimo præterito, inchoato et tento, per Johannem abbatem monasterii beatæ Mariæ de Fonteyns exhibitam, et in filaciis Cancellariæ nostræ residentem, in hæc verba.

*To the kyng, oure soverayn lord.*

Besechith mekely youre devote and contynuell oratours, John th' abbot of the monasterie of oure lady saint Marie of Founteyns in the counte of Yorke, and the convent of the same place, that, where they and theire predecessours have of long tyme been, and yit be daily, ayenst conscience and withoute cause, by feyned accions grevously impleted and vexed in diverse courtes of Wapentakes, and other courtes barones, to the noumbre of xx, and [moo] within the said counte of Yorke, and the countee of Cumbrelond, and in the counte of the citee of Yorke, within the which shires, the substance of the possessions of theire said monasterie been liying, as well[1] by procurement and excitacion of the baillifs, stiwardes, and officers of the said courtes of Wapentakes, and courtes barones, fermours of diverse of the same for theire singuler lucre and availe, as by other malicios and evill[2] disposed persones, fenyng quereles ayenst youre seid besechers,[3] and affermyng in diverse of the seid courtes of Wapentakes, and courtes barones, at some oon[4] court CCC. severallez pleyntez or moo. And howe be it that the comon lawe of Englond will that, every persone enpleted for eny cause, in the which he is admittible to wage his lawe, that the same persone so impletid, shuld wage his lawe be his attourney,[5] havyng sufficient auctorite

original Parliament Roll, but not in very strict accordance with the Petition itself, as the following notes, to which the letter R is added, may shew. The notes signed with the letter F, indicate the variations between the original Petition and the exemplified copy in the Text.

(1) as wele. F.

(2) evell. F.

(3) yor said besechers. F.

(4) summe on court. F.

(5) It was enacted by Statute, 10 Henry III., cap. 10, that every freeman which oweth suit to the County, Trithing, Hundred, and Wapentake, or to the court of his lord, may freely make his attorney to do those suits for him.—See also *Co. Litt.*, 2 p., 99. *Fitzherbert, Nat. Brev.*, fol. 156.

The following memoranda, relating to the attendance of the abbot of Fountains at certain courts by an attorney, are taken from a Register of Fountains, in the Bodleian Library.—*M.S. Rawlinson*, B. 449, fol. 2.

Edwardus, Dei gratia, rex Angliæ et Franciæ, dominus Hyberniæ, vicecomiti Ebor., salutem. Quia per commune consilium regni nostri Angliæ provisum est quod, quilibet liber homo qui sectam debet ad Comitatus, Trithinga, et Wapentachia, libere possit facere attornatum suum ad sectam illam pro eo faciendam, tibi præcepimus quod attornatum quem abbas de Fontibus, per literas patentes, loco suo attornare voluerit ad sectam pro eo faciendam ad Comitatum tuum prædictum, ad Trithinga nostra de Yarlestre et de Wyndyates, et ad Wapentachia nostra de Brudford, Clarhou, et Inter Use et Derwent, loco ipsius abbatis, sine difficultate ad hoc recipias, hac vice, de de gratia nostra speciali. Teste Edwardo, duce Cornubiæ et comite Cestriæ, filio nostro carissimo, Custode Angliæ, apud Berk hampsted, x die Augusti, regni nostri Angliæ quartodecimo, regni vero nostri Franciæ primo.

therto:[1] And that notwithstondyng, the predecessours of the seid nowe abbot, and other abbotz and priours in the seid countes, might in nowise be receyved be such baillifs, stiwardes, and officers, to wage theire lawe be theire attourney in such courtes and Wapentakes, unto the tyme that, for that mischiefe,[2] and

*Ad sectam faciendam ad Comitatum Ebor., ut sequitur.*

Noverint universi per presentes quod nos Abbas de Fontibus attornavimus, et loco nostro constituimus J., commonachum nostrum vel familium nostrum, ad faciendam pro nobis sectam de Comitatu Eboracensi, et ad Trithinga de Yarlestre et de Wyndeyates, ac etiam ad Wapentachia de Brudford, Clarhoue, et Inter Ouse et Derwent, secundum tenorem brevis domini Regis vicecomiti Eboracensi inde directi. In cujus rei testimonium sigillum nostrum presentibus apposuimus. Dat. apud Ebor. die Jovis prox. post festum sancti Michaelis, anno regni regis Edwardi tertii post conquestum tertio decimo. Dat. apud Fontes, die Jovis prox. post festum sancti Lucæ Evangelistæ, anno regni Angliæ regis Edwardi tertii post conquestum quarto decimo, regni vero Francise primo.

Ad sectam pro nobis faciendam ad Wapentachia de Hang, Helykeld et Gillyng, secundum tenorem brevis domini regis, ballivis domini Johannis ducis Britanniæ et comitis Richemondiæ inde directi.

Ad sectam pro nobis faciendam ad Wapentagium de Staynclif, secundum tenorem brevis domini regis ballivis dominæ Isabellæ reginæ Angliæ inde directi.

Abbas de Fontibus petit breve de attornatu ad sectam pro eo faciendam, ballivis Johannis de Gandavo, comitis Richemundiæ, [ad] Wapentagium de Hang, per literas patentes.

Abbas de Fontibus petit breve de attornatu ad sectam pro eo faciendam; ballivis Philippæ reginæ Angliæ, custodis terrarum domini Johannis de Gandavo, comitis Richemundiæ, [ad] Wapentagium de Hang, per literas patentes.

Abbas de Fontibus petit breve de attornatu per literas patentes, vicecomiti Ebor. ad sectam pro eo faciendam de Comitatu Ebor, ad Trhieng (*sic*) de Est-ridding, West-ridding, et ad Wapentagium de Clarhoue et Brudford, et inter Use et Derwent.

Item idem petit breve per literas patentes ballivis domini regis Angliæ, ad sectam pro eo faciendam ad Wapentagium de Hang, Halikeld et Gilling, si [non] possitis habere in uno brevi, faciatis nos brevia tria.

The times and places at which the Court of the Wapentake of Staynclife was held, in the early part of the fifteen century, are thus entered in the *President Book of Fountains*, p. 9.

NOMINA VILLARUM IN QUIBUS TENETUR CURIA WAPYNTAGII DE STAYNCLYFF.—1. BOLTON-IN-BOWLAND, in crastino sancti Lucæ Evangelistæ. 2. KETELWELL, viij° die mensis Novembris. 3. PRESTON JUXTA ARNCLYFF. In previgilia sancti Andreæ Apostoli. 4. THRESCEFELD, xviij° die Decembris. 5. THORNTON, in crastino Epiphaniæ Domini. 6. LYNTON, xxvij die Januarii. 7. SWYNDEN, xvj° Februarii. 8. MALGHOM, viij° die Marcii. 9. BRYNSALL, xxvij° die Marcii. 10. KETELWELL, Septimo decimo die Aprilis. 11. NEWTON, in festo Johannis Beverlaci. 12. THORPP JUXTA BRYNSALL, xxvij die Maii. 13. FLASBY, xvj die Junii. 14. STETON, vj die Julii. 15. HERTLYNGTON, in crastino Jacobi Apostoli. 16. GAYSGYLL, in festo Assumptionis Mariæ. 17. SWYNDEN, iiij° die Septembris. 18. GERSYNGTON, semper in festo Michaelis Archangeli. Et notandum quod quando dies prænotati non accidunt die Jovis, tunc proximo semper die Jovis sequenti, tenenda est Curia Wapintagii.

(1) Law is, when an Action of Debt is brought against any one upon some secret Agreement or Contract had between the parties without especialty shewed, or other matter of Record; as in an Action of Detinue for some Goods or Chattels lent or left with the Defendant: then the Defendant may wage his Law, if he will, that is, swear upon a book, and certain persons with him, that he detains not the Goods, or owes Nothing to the Plaintiff, in Manner and Form as he hath declared. And it is allowed only in Cases of Secrecy, where the Plaintiff cannot prove the Surmise of his Suit by any Deed or open Act.

When any one shall wage his Law, he shall bring with him six, seven, or twelve of his neighbours, as the Court shall assign him, to swear with him, much like the Oath which they make who are used in the Civil Law, to purge others of any Crime laid against them, who are called Compurgators. The offer to make the Oath is called Wager of Law; and when it is accomplished, then it is called the Doing of the Law.—*Termes de la Ley:* Tit. Ley, p. 424.

(2) mychefe. F.

compleynte had in that behalve, it was late ordeyned by auctorite of parliament, that all the abbotz and priours and other religious of Englond, and theire [1] successours shuld, in such cases, be theire attourneys generalles or generall, in every hundred [2] or Wapentakes within the realme of Englond,[3] iche of theym under theire common seale, severally plede in suche courtes suche plees as in lawe ware pledables, and in lawe ware [4] allowablez: And that every styward [5] or baillife for the tyme beyng within the seid courtes shuld resceyve suche attourneys, withoute amerciyng of suche abbotz, priours, and religiouse, or eny of theym, upon the peyne of forfaiture of x*li.* And that, notwithstondyng, when the seid abbot be his attourney hath waged his lawe in the seid pleyntz in suche severalles courtes, then the said baillifs, stiwardes, and officers have oftetymes for theire singuler lucre, and by covyne had betwix theym and the seid malicious people affermyng the seid pleintz, prefixed to the seid abbot oon day to doo his lawe in iche on of the seid severallez courtes and Wapentakes, all at oon day and at [6] severall places, iche oon beyng so ferre frome other, that youre seid besechers in nowise myght appere and come to do his lawe in his propre [7] persone, as the lawe requires; and so he be that cause, in diverse of the seid courtes and Wapentakes, oftymes hath to be condempned in the seid pleyntz, and amercyed in diverse of theym, summe yere [8] in a C. marc, and summe yere in more, and at the lest in x*li.* where never cause of accion was had, neither [9] by lawe ne by conscience. And also when the seid abbot was [10] commyng at diverse tymes to diverse of the seid courtes of Wapentakes and courtes barones, to have doon his lawe in such playntz, then the seid abbot hath be put in suche feere of bodily harme [11] to be doon to hym, bothe by assautz [12] made upon hym, and by diverse manysshyng [13] and thretyng by the seid maliciouse people affermyng the seid pleyntz, that he in nowyse, for drede of bodily harme and deth, durst appere at the seid courtes of Wapentakes, whereby he hath be condempned and amercied in grete sommes in the said courtes: and at other tymes, when the seid abbot come to any of the seid courtes, redy to do his lawe, than the seid malicios people, affermyng the said pleyntz wold be and were nounsued

(1) England and there. F.
(2) hundreth. F.
(3) England. F.
(4) war. F.
(5) Stiward. F.
(6) all at son day at severall places. R.
(7) propir. F.
(8) somme there in C Marcs, and somme there in more. R.
(9) nether. F.
(10) at divers tymes commyng. F.
(11) bodily herme. F.
(12) assawts. F.
(13) manyschyng. F.

therin, and anone after afferme CCC. or CCCC. newe playntz in summe oon courte ayenst the seid abbot, at summe oon courte day; and so, from courte to courte, the seid persones have contynued theire malicios purpose and intent aforesaid, unto the tyme the seid abbot agreed with the seid stiwardes, officers, and baillifs, and with the seid malicios people affermyng and feynyng[1] suche playntz, at theire[2] awne volunte, paiying[3] to theym in summe yere[4] C. marcs, in this partie, summe yere xl*li.*, and when he paide leste, xx. marc, the whiche[5] labores, vexacions and costes are like ever to be contynued and encresed, to the over grete and importable hurtes of the seid house and besechers, withoute summe remedie, graciouse socour and helpe, be purveid for the seid house in this present parliament.

Please it therfore youre highnesse, graciously to considre thees premisses, and therappon to graunte, ordeine, and establessh[6] by the avice of youre lordes spirituallz and temporallz, and of youre commons assembled in this youre present parlement, and by auctorite of the same parlement,[7] that the same abbot and his successours, ayenst whome eny querele or playnte are, or in tyme to come shall hap to be attaymed or taken in eny of the seid courtes or Wapentakes, shall mowe wage theire lawe be their attourney or attourneys, of the matiers contened, or to be contened, in every suche playnte, where the lawe will suffre them so to do: And that[8] they, ther lawe so waged, may do the said law or lawes be a commoyne of the same place, with other persones with hym, to the noumbre of six persones, or elles be a nother persone assigned and deputt by th' abbot of the seid house, for the tyme beyng, undre the common seale of the seid monasterie of Founteyns,[9] with six persones with hym, the seid lawes to do, for th' abbot of the same house: And that the baillifs, stiwardes, and officers of the seid Wapentakes and courtes, for the tyme beyng, admitte, suffre, and receyve the seid lawes to be doon in the forme aforesaid: And that all the lawes aforeseid so waged and done, be als effectuall and of such strength in the lawe as if the seid abbot or his successours had doon them in theire propre persones, after the cours of the common lawe of this land. And, over that, to ordeine by the auctorite aforeseid, that, if any baillife, stywarde, or officer[10] of any of the seid

(1) fenyng. F.
(2) there. F.
(3) payng. F.
(4) in summe there. R.
(5) the labores. R.
(6) estables. F.
(7) parliament. F.
(8) And that they yer. R.
(9) Fonteyns. F.
(10) officere. F. Baillifs, Stuards or officers. R.

courtes or Wapentakes, will not admitte the said lawe to be don in the forme aforeseid, or elles in enywise disobey or observe not th' entent of the premisses on theire partie afore reherced to be doon, or omyt[1] or, on theire partie, do the contrarie to any of the[2] premisses, than the same bailiffe, stywarde, or officere so offendyng, forfeit for every tyme that he shall hap to do the contrarie, or offende in eny of the premisses before reherced on theire partie to be doon, xx*li.*: And every man that will sue in this case mowe have a writte of dette, and declare upon this acte and ordenaunce, and he to have the ooñ halfe for his labour and the soveraine lord the king the other halfe of the same xx*li.* And youre seid besechers shall evermore pray to God for youre gode and high[3] astate.

Inspexímus, insuper, quendam assensum eidem peticioni, per communes regni nostri Angliæ in eodem parliamento existentes factum, et in peticione prædicta specificatum,[4] in hæc verba:—*A cest bille les Communes*[5] *sount assentuz.*

Inspeximus, etiam, quandam responsionem eidem peticioni, per nos, de avisamento et assensu dominorum spiritualium et temporalium, in dicto parliamento similiter existentium, necnon auctoritate ejusdem parliamenti factam, et in dorso peticionis prædictæ insertam, in hæc verba:—*Soit fait come il est desire.*[6]

Nos autem tenores statutorum, peticionis, assensus et responsionis prædictorum, ad requisitionem prædicti abbatis, duximus exemplificandas, per præsentes.

In cujus rei testimonium, has litteras nostras fieri fecimus patentes. Teste meipso, apud Westmonasterium, quinto die Marcii, anno regni nostri tricesimo quarto.

FAUKES.

Examinatur per JOHANNEM FAUKES, THOMAM IVE } Clericos.

*A large portion of the great seal, in white wax, is appended.*

(1) or myght. R.
(2) thees. R.
(3) hight. R.
(4) At the foot of the original petition.
(5) Commyns. F.
(6) See the Act, in *Stat. of the Realm*, vol. ii. p. 375, collated with the petition of the abbot and convent of Fountains, 33 H. VI., as entered on the Rolls of Parliament: "Item cum in dicto parliamento, per Abbatem et Conventum Monasterii beatæ Mariæ de Founteyns, in com. Ebor., lamentabiliter extiterit intimatum, de eo quod cum ipsi et eorum prædecessores, de tempore non modico, contra conscientiam, absque causa per actiones fictas graviter implicitati et vexati fuerint, et ad tunc indies existerent, in diversis Curiis Wapentachiorum et aliis Curiis Baronum, ad numerum viginti et ultra," &c.

XXXII.—CONFIRMATIO REGIS EDWARDI QUARTI QUORUMDAM LITERARUM PATENTIUM REGIS RICARDI SECUNDI, PRO ABBATE DE FONTIBUS, PER REGEM EDWARDUM QUARTUM, CONCESSA. —[Ex orig. penes Comitem de Grey et Ripon.]

Edwardus, Dei gratia, rex Angliæ et Franciæ et dominus Hiberniæ, omnibus ad quos præsentes litteræ pervenerint, salutem. Inspeximus litteras patentes domini Ricardi, nuper regis Angliæ secundi post conquestum, factas in hæc verba: Ricardus Dei gratia, etc. Inspeximus cartam domini Edwardi nuper regis Angliæ, avi nostri, factam in hæc verba: Edwardus Dei gratia, etc. Inspeximus cartam celebris memoriæ domini Ricardi quondam regis Angliæ, progenitoris nostri, in hæc verba: Ricardus Dei gratia, etc. Sciatis nos, pro anima patris nostri et pro salute nostra, et matris nostræ, et fratris nostri Johannis, etc.—[*Ut supra*, No. xxix. p. 47.] In cujus, etc. Teste meipso apud Westmonasterium, quinto die Maij, *(sic)* anno regni nostri nono.

Inspeximus, etiam quasdam alias litteras patentes dicti domini Ricardi, nuper regis Angliæ, factas in hæc verba: Ricardus Dei gratia, etc., omnibus ad quos præsentes litteræ pervenerint, salutem. Inspeximus litteras patentes Johannis de Moubray, nuper domini Insulæ de Haxiholm et Honoris de Brembrem, factas in hæc verba: Omnibus sanctæ matris ecclesiæ filiis, etc. Johannes de Moubray, etc., salutem in domino sempiternam. Noveritis nos inspexisse quandam cartam confirmationis claræ memoriæ domini Johannis de Moubray, patris nostri, factam abbati et monachis de Fontibus in hæc verba: Omnibus sanctæ matris ecclesiæ filiis, etc.—[*Ut infra, inter cartas de Kirkby-Malzeard.*] Inspeximus etiam quasdam alias litteras patentes ejusdem Johannis de Moubray, similiter factas in hæc verba: Omnibus hoc scriptum visuris vel audituris Johannes de Moubray, dominus Insulæ de Haxiholm et Honoris de Brembrem, salutem in Domino sempiternam. Inspeximus quoddam scriptum indentatum claræ memoriæ domini Johannis de Moubray, patris nostri, cujus tenor sequitur in hæc verba: Cum mota esset controversia inter dominum Johannem de Moubray, ex una parte, et abbatem et conventum de Fontibus ex alia, super quibusdam quærelis et articulis liberam chaceam dicti domini Johannis, de Niderdale tangentibus, etc.—[*Ut infra, inter cartas de Dacre.*] In cujus, etc. Teste meipso, apud Westmonasterium, quinto die Marcii, anno regni nostri nono.

Nos autem litteras prædictas ac omnia et singula in eisdem

contenta, rata habentes et grata, ea, pro nobis et hæredibus nostris, quantum in nobis est, acceptamus et approbamns, ac dilectis nobis in Christo, nunc abbati et monachis loci prædicti et successoribus suis, tenore presentium ratificamus et confirmamus, prout litteræ prædictæ rationabiliter testantur. In cujus rei testimonium, has litteras nostras fieri fecimus patentes. Teste meipso, apud Westmonasterium, vicesimo quinto die Novembris, anno regni nostri primo.

KIRKEHAM.

*Pro undecim libris solutis in hanaperio.*

Examinatur per ROBERTUM KIRKEHAM, et WILLIELMUM MORLAND. } clericos.

*A fine impression of the great seal in green wax, but somewhat injured behind the equestrian figure of the king, is appended to this charter by a plaited cord of blue and white silk, interwoven with gold thread yet untarnished.*

XXXIII.—DE CONFIRMATIONE, PRO ABBATE DE FONTIBUS.—[Ex Rotul. Pat., 23 Henr. VII., p. i. m. 5.]

Rex omnibus ad quos, etc., salutem. Inspeximus cartam domini Henrici, nuper regis Angliæ primi, progenitoris nostri, factam in hæc verba: Præcipio quod equi et homines, et omnes res abbatiæ de Fontibus et monachorum ibidem Deo servientium, sint quieti de thelonio, etc.—[*Ut supra*, No. iii. p. 3.]

Inspeximus etiam cartam Henrici nuper regis Angliæ secundi, progenitoris nostri, factam in hæc verba: H[enricus] rex Angl. et dux Normanniæ et Aquitaniæ et comes Andegaviæ, justiciariis, vicecomitibus, et ministris suis de Eborascira, salutem. Sciatis me concessisse et confirmasse abbatiæ sanctæ Mariæ de Fontibus, omnes possessiones et omnes res suas quas juste tenent, etc.—[*Ut supra*, No. v. p. 5.]

Inspeximus etiam cartam domini Edwardi nuper regis Angliæ primi, progenitoris nostri, factam in hæc verba: Edwardus, Dei gratia, rex Angliæ, etc., archiepiscopis, episcopis, etc., salutem. Sciatis nos concessisse, et hac carta nostra confirmasse, dilectis nobis in Christo, abbati et conventui de Fontibus, quod ipsi et successores sui imperpetuum habeant liberam warrenam in omnibus dominicis terris suis de Morker, Somerwych, etc.—[*Ut supra*, No. xii. p. 19.]

Inspeximus etiam quandam aliam cartam ejusdem domini

Edwardi, nuper regis Angliæ, factam in hæc verba: Edwardus, Dei gratia, rex Angliæ, archiepiscopis, episcopis, etc., salutem. Sciatis nos concessisse et hac carta nostra confirmasse, dilecto nobis in Christo, abbati de Fontibus, quod ipse et successores sui imperpetuum habeant liberam warrenam in omnibus dominicis terris suis de Balderby, Marton-super-Moram, etc.—[*Ut supra*, No. xiii. p. 20.]

Inspeximus, insuper, cartam domini Edwardi nuper regis Angliæ tercii, progenitoris nostri, factam in hæc verba: Edwardus, Dei gratia, etc., omnibus ad quos, etc., salutem. Sciatis quod, cum nuper pro eo quod, dilecti nobis in Christo, abbas et conventus de Fontibus, concesserunt, ad requisitionem nostram, Johanni de Waltham, nuper nuncio nostro, jam defuncto, quandam sustentationem, etc.—[*Ut supra*, No. xxv. p. 44.]

Inspeximus etiam quasdam literas patentes domini Henrici, nuper regis Angliæ sexti, progenitoris nostri, factas in hæc verba: Henricus, Dei gratia, rex Angliæ, etc., omnibus ad quos, etc., salutem. Inspeximus literas patentes domini Ricardi nuper regis Angliæ, prædecessoris nostri, factas in hæc verba: Ricardus, Dei gratia, rex Angliæ, omnibus ad quos, etc.—[*Ut supra*, No. xxx. p. 48.]

Nos autem literas, cartas, concessiones et confirmationes prædictas, et omnia et singula in eisdem contentis, rata habentes et grata, ea, pro nobis et hæredibus nostris, quantum in nobis est, acceptamus, ac dilectis nobis Marmaduco, nunc abbati et conventui loci prædicti, ratificamus et confirmamus, prout litteræ et cartæ prædictæ rationabiliter testantur. In cujus, etc. T. R., apud Westmonasterium, xx° die Februarij.[1]

(1) The rest of the Royal Charters, consisting of confirmations of grants of land and licenses of Alienation in Mortmain, will be found under the subsequent heads of the places to which they relate.

[LEADEN SEAL OF POPE INNOCENT III. (1).]

## I.—PRIVILEGIUM INNOCENTII II. DE PROTECTIONE, IMMUNITATE DECIMARUM, RECEPTIONE LIBERARUM PERSONARUM, DE NON RECEPTANDO FUGITIVOS NOSTROS, NEC INTERDICENDO LOCUM NOSTRUM, ET DE CELEBRANDO DIVINA TEMPORE INTERDICTI ETC.[2]

INNOCENTIUS episcopus, servus servorum Dei, dilectis filiis Ricardo, abbati monasterii sanctæ Mariæ de Fontibus, quod archiepiscopatu Eboracensi situm est, ejusque fratribus, tam præsentibus quam futuris, regulariter substituendis imperpetuum.

(1) The engraving represents the obverse and reverse of a bulla or leaden seal of pope Innocent III.—A.D. 1198-1216—found a few years ago among the ruins of Fountains, and supposed to be the only remaining vestige of the original papal bulls granted to the monastery.

(2) The ensuing series of PAPAL BULLS is taken from the REGISTER OF THE PRIVILEGES OF FOUNTAINS, mentioned in the first note of the present volume. This manuscript, which records much interesting matter that otherwise would have perished, is divided into three parts. The first contains the royal charters recited in the previous pages, with some other documents, the purport of which has also been noticed. The second part consists of copies of thirty-nine bulls relating specially to Fountains; and of eighty others of a provincial or a general character, interpolated in the series, which directly affected its interests. This division, reduced to chronological order, furnishes the present text—the bulls relating, *eo nomine*, to Fountains, being printed *in extenso*—and the rest in a form more or less abbreviated, according to their importance or their absence from any printed work. The third section consists of a transcript of the Bullarium or Register of the general privileges of the Cistercian Order, compiled by Jean de Cirey, abbot of Citeaux, in the year 1490, and printed in the next year at Dijon, in a small quarto volume without title or imprint, but with the following colophon: "Opere et impensa reverendissimi in Christo patris et domni, domni Johannis abbatis Cistercii, sacræ theologiæ eximii professoris: ad usum sacratissimi ordinis filiorum consolationem et profectum, hoc opus plurium summorum pontificum privilegiorum, quibus dictus sacer ordo Cisterciensis amplissime contra omnes injurias et insultus, privilegiatus est et munitus; emendatissimæ et integerrimæ impressum Divione per magistrum Petrum Bethlinger Alemannum, anno Domini M° CCCC. nonagesimo primo, iiij Julias;

Apostolici moderaminis clementiæ convenit religiosos viros diligere, et eorum loca pia protectione munire. Dignum namque et honestati conveniens esse cognoscitur, ut quia ad anima-

Finit Feliciter." The rarity of this book—alluded to by Dom. Liron in his *Singularités Historiques et Littéraires*, tom. iii. pp. 337-339—is so great that the only copy which I have been able to discover is that in the Bodleian Library, I. Q. v. 56, quoted in the following notes by the title, "Privilegia Ordinis Cist.," though this and the foliation have been added by the pen. It is in the original binding, and has a pictorial frontispiece, engraved on wood, representing a body of monks and nuns kneeling under the protection of the cloak of the Virgin, above whose head is inscribed on a scroll,

"Quam tibi Cisterci placeant sanctissimus ordo,
Hæc nobis primum ostensio facta probat;
Ergo tuo maneat semper sub numine tutus,
Deditus ante alios, Virgo beata tibi."

On the other side of the page is a large wood-cut of the pope seated, in the act of benediction, and holding a bull or charter in his left hand. Two cardinals stand on each side, and abbots and monks kneel before him. St. Robert and St. Albert hold the representation of a church, before which is an armorial shield—*Seme of fleurs de lis, an escutcheon of pretence, charged with bendy of six, within a bordure*—subscribed "Cistercium." This collection was published in an enlarged form by Chrysostom Henriquez, under the title, "Regula, Constitutiones, Privilegia ordinis Cisterciensis: item congregationum monasticarum et militarium quæ Cisterciense institutum observant, etc. Antverpiæ, ex officina Plantiniana Balthasaris Moreti, 1630," but it is very seldom to be met with in this country. Considering therefore, the unusual rarity of these works, and the absence of any other equally comprehensive collection, I have appended in the following notes, under the reign of each pope, the rubrics and dates of the bulls included in the third series of the manuscript register above mentioned, and not found in the second, supplemented by memoranda from accessible Registers of English Cistercian monasteries containing documents of this nature, and other quoted sources of information. Assuming the improbability of a Cistercian Bullarium being published for some time to come, such an accompaniment seems, also, requisite, inasmuch as the series of bulls in the text affords a suitable opportunity of providing, at least, a connected abstract of documents, which throw remarkable light on the influence and decline of an order that left beneficial results, deeply and indelibly traced, not only in the social history of the kingdom, but in the history of European civilization.

A large portion of the bulls granting privileges to the Cistercian order were probably obtained at the instance of the chapter-general, or of the parent house of Citeaux. In most instances, they were addressed to the abbot of that monastery and all his fellow abbots, in others, with respect to England, to the archbishops, bishops, and other prelates of the provinces of Canterbury and York, when their operation was consequently confined to those provinces. Copies of them, under the bulls, or papal seal, bearing varying dates, were therefore obtained from the pontiffs who granted them, by different monasteries—a circumstance which causes much trouble in their identification and arrangement, especially when entered in a register in an undated and abstracted form. Without a knowledge, also, of the general series of privileges granted to the order, bulls might be erroneously supposed to be special and peculiar to a house that had been previously enjoyed elsewhere. Thus, the bull of *Benefaciens Dominus*, granted to the abbot and convent of Meux, in Holderness, by pope Honorius III., on the 9th of April, in the eighth year of his pontificate (*Lansd. MS.*, 424, f. 17), had been addressed to all archbishops, bishops, etc., on the 31st of December, in his third year (*Bullar. Rom. Cocquel.*, tom. iii. p. 201), and copies had been obtained by Fountains on the 4th of January (*Regist. Privil. de Font.*, f. 38), and by Meux, on the 15th of March in the following year (*Lansd. MS.*, 424, f. 15). In this case, the abbot of Meux probably sought to add greater weight to some cause he might have in dispute, by the production of a special exemption granted to his house under the papal seal. Sometimes the operation of a bull of privileges was confined, in the first instance, to a particular province or provinces, and afterwards was made general, as in the instance of another bull of pope Honorius III.—*Cum abbates Cisterciensis ordinis*—which was originally addressed to the archbishops of Canterbury and York, on the 25th of June, in the seventh year of his pontificate (*Regist. Priv. de Font.*, f. 36), copies of that date being entered also in the registers of Meux (*Lansd. MS.*, 424, f. 15), and of Sibton in Norfolk (*Arund. MS.*, B.M. 221, f. 145). This was not, however, made generally operative, by being addressed to all archbishops, bishops, and prelates until the 9th of November, in the ninth

-rum regimen assumpti sumus, eas et a pravorum hominum nequitia tueamur, et apostolicæ sedis patrocinio foveamus.[1]

Ea propter, dilecti in Domino filii, vestris justis postulationibus clementer annuimus, et præfatum locum, in quo Divino mancipati estis obsequio, sub beati Petri et nostra protectione suscipimus, et præsentis scripti privilegio communimus. Statuentes, ut quascunque possessiones, quæcunque bona, ipsum monasterium in præsentiarum juste et canonice possidet, aut in futurum, concessione pontificum, largitione regum, vel principum, oblatione fidelium, seu aliis justis modis, Deo propitio, poterit adipisci,

year of his reign,—*Regist. Priv. de Font.*, p. 3. f. 66. By one of the constitutions of the order, it was directed "ut, in omnibus monasteriis habeantur transcripta privilegiorum," and, in case of neglect, the abbots, "stallum proprium ingredi non presumant, donec habuerunt ipsa privilegia." —*MS. Laud. in Bibl. Bodl.*, 362, f. 8. If this regulation was strictly observed, the Register of Fountains is, however, so far as I am informed, the only English volume devoted exclusively to that purpose. Probably, like the original bulls, they were systematically destroyed at the Reformation. There are not more than thirty chartularies of English Cistercian monasteries preserved in our public libraries and archives, and *collections* of papal privileges occur only in those of Beaulieu, Fountains, Furness; Gerouden, Holm-Coltram, Meux, Sibton, and Vale-Royal.

Though the second part of the Register of Privileges of Fountains probably contains as perfect and comprehensive a collection of the papal privileges granted to the Cistercians, within the provinces of Canterbury and York, as can now be recovered, still, the monks never appear to have entertained a desire to obtain copies as the series was issued, either "sub plumbo" or under the hand of a notary-public. Thus the compiler says of the bull of pope Urban III.—*Cum ordo vester*—"Habetur apud Kirkestall sub bulla;" of that of Alexander IV.—*Licet ad hoc*—"Originale est in Claravalle, et transcriptum sub manu publica apud Kirkestale;" of that of Boniface VIII. —*In ecclesiæ firmamento*—"Est apud Revalle et Strateford;" and other instances of a like nature will be observed in the following notes. Some of these records were of greater rarity than others, even when they were of greater importance, as in the instance where the compiler observes on the bull of pope Innocent IV.—*Significastis nobis*—"Est valde bonum privilegium et necessarium et raro invenitur." In all cases, they were preserved with jealous care—bond being required, even when lent from one house of the order to another—but when Fountains was the mother house, it is somewhat surprising to find it said in its register, of the bull of Honorius III.—*Contigit interdum* —"Apud Valle Dei *dicitur* esse sub bulla;" and of that of Gregory X.—*In vestitu deaurato*— Originale est, *ut dicitur*, in Parcolude, sed sub manu publica est apud Melsam et Jorevallem." It is to be hoped, for the credit of all parties concerned, that it was an exceptional case which drew forth the significant observation relative to the bull of Alexander IV.—*Sedes apostolica duxit*— "Istud originale perdidimus per moniales de Synigthwait, tempore abbatis P., sed est aliud originale in Parcolude." The abbot thus alluded to was Peter Alyng, who is thought to have been deposed.—Vide *vol. i.* p. 139.

(1) The exordium, as well as other clauses, of Papal Bulls granting privileges to religious houses, were drawn up, in ordinary cases, from settled forms and precedents, varied of course as occasion required. Thus the exordium used in the present bull was adopted in that which follows it in the text, granted by pope Eugenius III.; and in the succeeding clause, after the word, annuimus, pope Innocent II. added, sometimes, on similar occasions, "atque prædecessorum nostrorum vestigiis inhærentes." (*Bullar. Rom. ed. Cocquelines*, tom. ii. col. 270-271.) A Bull of Confirmation couched in nearly similar terms as the present was granted, by pope Eugenius III., to the monastery of Vaussoire in France. (*Coll. Vet. Script. ed. Martene et Durand*, tom. i. col. 819.) (*Bullar. Rom. Cocquel.*, tom. ii. c. 321); and there is another with the same exordium and scope in the collection of Cocquelines, tom. ii. c. 459. Pope Innocent II., by a bull dated at the Vatican, 5 Id. Mar., 1140, takes the Cistercian abbey of Thame—which I had occasion to mention in the first volume of this work, p. 69—into his protection, adding the clause, "Sane decimis laborum nostrorum quos propriis manibus," etc., and enjoins that none shall disturb their possessions.—*Cott. MS., Julius*, C. vii. fol. 304.

firma vobis vestrisque successoribus et illibata permaneant.

Sane laborum vestrorum quos propriis manibus aut sumptibus colitis, sive de nutrimentis vestrorum animalium, nullus omnino clericus vel laicus a vobis decimas exigere præsumat.

Si qua vero libera et absoluta persona, pro redemptione animæ suæ, vestro monasterio se conferre voluerit, eam suscipiendi facultatem liberam habeatis. Addentes etiam auctoritate apostolica prohibemus ne quis fratres vestros, clericos, videlicet, sive laicos, post factam in vestro monasterio professionem, absque vestra licentia suscipere audeat vel retinere.

Sanximus etiam nequis archiepiscopus vel episcopus, sive cujuslibet ordinis, locum vestrum a divinis interdicat officiis, sed liceat vobis omni tempore, clausis januis et exclusis excommunicatis, divina officia celebrare, nisi abbatis vel fratrum ipsius loci evidens et manifesta culpa extiterit.

Si qua igitur, in futurum, ecclesiastica sæcularisve persona, hanc nostræ constitutionis paginam sciens, contra eam temere venire temptaverit, secundo, tertiove commonita, si non satisfactione congrua emendaverit, potestatis honorisque sui dignitate careat; reamque se Divino judicio existere de perpetrata iniquitate cognoscat; et a sacratissimo corpore et sanguine Dei et Domini Redemptoris nostri, Jesu Christi, aliena fiat; atque in extremo examine districtæ ultioni subjaceat.

Cunctis autem eidem monasterio justa servantibus, sit pax Domini nostri, Jesu Christi, quatenus, et hic fructum bonæ actionis percipiant, et apud districtum Judicem præmia æternæ pacis inveniant. Amen. Amen. Amen.

Ego Innocentius,[1] catholicæ Ecclesiæ episcopus, [subscripsi].[1b]

(1) Innocent II. was elected Pope, 15th February 1130, was consecrated on the 23rd of the same month, and died 24th September, 1143. Of his acts and times see *Baronius Annal. Eccles.*, ed. *Mansi*, tom. xviii. pp. 427-624. *Muratori Rerum Ital. Script.*, tom. iii. pt. 1. p. 433, pars. ii. col. 366. *Ciaconius, Vit. et res gest. Rom. Pont.*, Romæ 1677, tom. i. col. 971-1010. *Vita Innocentii II. Pont. Rom., auctore Caulio;* Marburgi, 1744. *Hist. B. Platinæ de vitis Rom. Pont.;* Coloniæ, 1574, p. 173. *L'Art de Vérefier les Dates;* Paris, 1818, tom. iii. p. 343. *Jaffé Regesta Pont. Rom.*, p. 558.

The copy of the signum of pope Innocent II., and the monogram BENE VALETE, between which the papal subscription is placed, are reduced in size one third from that drawn in the Register of Privileges. There are also copies in *Bullar. Rom.*, ed. *Cocquel.*, tom. ii. col. 205-206. *Ciac. Vit. Rom. Pont.*, tom. i. col. 976. Papias says, in voce *Formata*, "Privilegia summorum episcoporum sunt cujuslibet ecclesiæ concessiones Pontificum, quorum materia hæc est, ut dicat pontifex, erogatum cujuslibet dignæ personæ, vel alia qualicunque ratione ecclesiæ illi, illa seu illa pontificali concedere et roborare dignitate. Anathema ponatur in calce epistolæ. Habent autem et Privilegia prologos, sicut et cæterse epistolæ, et monogramma hujusmodi in fine BTE., quod est *Bene valete.* Signum autem in Privilegii exordio vel crismon, vel crux Dominica, cum crismon erit.—Consueverunt præterea in extremo margine privilegii quosdam insignire orbiculos, antistitis nomen, et quælibet paucula verba continentes in hunc modum," etc. A facsimile of part of an instrument of pope Benedict III. (A.D. 855-858) where the words BENE VALETE are written horizontally, the one below the other, will be found in *Mabillon De re diplomatica*, pl. xxvij.

Ego Conradus, Sabinensis episcopus. Ego Albericus Hostiensis episcopus.[1]

454; and the same mode is adopted in a bull of pope Nicholas I. (858-867), *Ibid.*, Pl. xlviij. p. 456. In a facsimile of a portion of a bull of pope Leo IX. (1048-1054), the monogram is represented as in the text, and the name of the pope is inscribed within a circular border bearing an inscription. Mabillon, alluding to this document, says—*Ibid.* p. 460—"*Perpetuam salutem* Pontifex præmittit. Omissum est *scriptum* per manum Notarii, itidemque in plerisque subsequentibus Pontificum bullis, non tamen omnibus ut mox videbimus. Incipiunt circulus cum nomine et dicto Pontificis, atque *Bene Valete* in monogramma redectum à Leo IX. *Dat.* præmisso crucis signo per ipsum forsan Pontificem, cum solis annis ejus, omissis annis Imperatoris, ac deinceps." In *Dr. Hickes' Thesaurus*, vol. i. p. 177, is a facsimile of a bull of pope Nicholas II., dated in 1061, where the form of both the monogram and the circular sign is of simpler character than was used in after days. Henschel, in his edition of Du Cange's Glossary, tom. i. p. 654, in voce *Benevalete*, says, "Extat liber singularis *Jo. Car. Conr. Oelrichs, de Signo Pontificali, Bene Valete;* Stettini, ann. 1773, form. max. cum figg.; but I have not been able to refer to a copy. With reference to this subject, see also *Cartularie de l' abbaye de Savigny, etc., par. Aug. Bernard*, vol. i.—*Elements de paléographie ; par. M. de Wailly*, tom. ii. pl. xii.

Pope Innocent the second by his Constitution, *Habitantes in domo Domini*, dated 10th February 1132, confirming the possessions of the abbey of Citeaux, conceded also several very important privileges to the Order in general, the origin of some of which has not always been referred to so early a date.

"Et quoniam," he writes, "ubi spiritus Domini ibi libertas, ut liberius divinis famulatibus valeatis insistere et purgata mentis acie sincerius contemplationi vacare, Prohibemus ne aliquis archiepiscopus aut episcopus te vel successores tuos, seu aliquem abbatem Cisterciensis Ordinis nisi pro fide, ad Concilium vel Synodum venire compellat.

Quia vero Cisterciense monasterium hujus Religionis origo est atque principium, nostra concessione hac prærogativa non immerito gaudeat, ut si quando fuerit pastore proprio viduatum, quemlibet abbatem de omnibus abbatibus vestri Ordinis vel monachum, salva nimirum sedis apostolicæ reverentia, sibi libere præficiendum eligat et absque aliqua contradictione obtineat.

Cæteris vero vestri Ordinis abbatiis quæ unam vel plures abbatias habent sibi subditas et de sui corporis fructifera copia derivatas, abbate suo rebus humanis exempto, eligendi quemcunque maluerint de sibi subjectis abbatibus, vel quemlibet monachum de omnibus Congregationibus Cisterciensibus liberam concedimus facultatem.

Illa autem abbatia quæ nullam habet sibi subditam, quemlibet monachum de omnibus præfatæ Religionibus Congregationibus, cum concilio et deliberatione Cisterciensis abbatis et illius qui eidem fratri eligendo præfuerit, libere sibi in abbatem eligat et habeat.

Porro conversos vestros qui monachi non sunt, post factam in vestris cœnobiis professionem, nullus archiepiscoporum vel abbatum sine vestra grata licentia suscipere aut susceptum retinere præsumat.

Verùm quoniam sicut beato Gregorio Augustinum Anglorum episcopum instruente, didicimus communi vita viventibus tam de faciendis portionibus vel exhibenda hospitalitate et adimplenda misericordia nobis quid erit dicendum, cum omne quod superest in causis piis ac religiosis erogandum est, Domino Magistro omnium docente: Quod superest "date eleemosinam, et ecce omnia munda sunt vobis"?

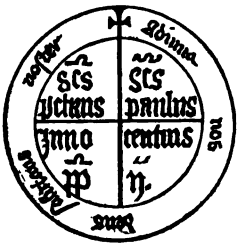
Statuimus ut de laboribus quos vos et totius vestræ Congregationis fratres propriis manibus et sumptibus colitis et de animalibus vestris, vobis decimas expetere vel recipere nemo præsumat." —*Manrique Annal. Cist.*, tom. i. p. 234.—*D'Achery Spicil.* II. p. 577.—*Privil. de l'ordre de Cisteaux*, p. 25.

The same pope confirmed also the possessions and privileges of the Abbey of Clairvaux, 17th Feb., 1132.—*D'Achery Spicil.* II. p. 577.

(1*b*) I have no doubt that, in transcribing this and several other subsequent Bulls, the compiler of the Register has omitted the X., indicating *subscripsi*, after the name of each pope, bishop, and cardinal, under the impression that no signification attached to it. Of this sign, see *Mabillon De re dipl.*, p. 472.

(1) When acting as legate in England, he had been assisted by the first abbot of Fountains, so perhaps the present Bull had been obtained through his influence. See vol. i. p. 70; and *Priory of Hexham*, vol. i. p. 96.

Ego Martinus presb.-card. sancti Stephani de Chelio monte.[1]



Ego Stancius cardinalis-presbyter.[2]

Ego Ribaldus presbyter-cardinalis tituli Sanctæ Anastasiæ.

Ego Ivo presbyter-card. Sancti Laurentii tituli Damasi.[3]

Ego Rainerius presbyter-cardinalis tituli Sanctæ Priscæ. Ego Goizo presbyter-card. tituli Sanctæ Cæciliæ.

Ego Gregorius diaconus-card. Sanctorum Sergii et Bachi.

Ego Otto diac.-card. Sancti Gregorii ad velum aureum. Ego Hubaldus diac.-card. Sanctæ Mariæ in via lata. Ego Octovianus[4] diac.-card. Sancti Nicholai in carcere. Ego Guido sanctæ Romanæ ecclesiæ diaconus-cardinalis.

Data Laterani, per manum Baronis[5] capellani et scriptoris, xvi. Kal. Octobris, Indictione v., Incarnationis Dominicæ M°CXLI°, anno vero pontificatus dompni[6] Innocentii papæ secundi duodecimo. *Regist. Privil. de Font., fol.* 17.

II.—PRIVILEGIUM EUGENII PAPÆ III. DE PROTECTIONE, CONFIRMATIONE QUORUMDAM LOCORUM, IMMUNITATE DECIMARUM, ETC., UT SUPRA.

Eugenius[7] episcopus, etc., dilectis filiis Henrico,[8] abbati

(1) A distinguished disciple of St. Bernard, and once a monk at Clairvaux. See *Ciac.*, tom. i. col. 984.

(2) Stantius aut Stamius. *Ciac.*, tom. i. c. 990.

(3) There was one Ivo a cardinal about this time, but he was "Card.-diac. S. Mariæ in Aquiro." *Ciac.*, tom. i. col. 1004.

(4) Afterwards ordained by Pope Eugenius III., Priest-Cardinal of St. Cæcilia, by which title he is historically known as a statesman.—*Ciac.*, tom. i. col. 996.

(5) Bullæ Innocentii II. sunt per manum Baronis capellani et scriptoris a 21 Junii, 1141, ad 15 Dec., 1141.—*Jaffé Reg. Pont. Rom.*, p. 560.

(6) Domnus pro Domino per Syncopen dicitur, qua appellatione olim Pontificem Romanum, mox et alios episcopos venerationis causa honorabant. Pontificem enim Domnum apostolicum vocabant; nam dominus terroris, non reverentiæ vocabulum esse existimabant.—*Onuph. Panuini, Interp. voc. eccles.*, p. 83.

(7) Eugenius III. was elected 27 Feb., 1145, consecrated 4th March, and died 8th June, 1153. —*Cocquel. Bull. Rom.*, tom. ii. c. 284. "Ob. 7 au 8 Juillet." *L' Art de Verifier*, etc., t. iii. p. 347.—Vide, *Baron. Annal.*, tom. xviii. pp. 640-671.—*Muratori Rer. Ital. Scr.*, tom. iii. par. 1. p. 437.—*Ibid.*, pars. 2, col. 368.—*Vita et epistolæ Eugenii Papæ*, etc., *Labbæi Conc.*, tom. xxi. col. 622, et. seqq.—*Platina de Vit. Pont. Rom.*, p. 176.—*Libellus de miraculis Eugenii Papæ III. Vet. Script. et Mon. Martene et Durand*, tom vi.—*Jaffé Reg. Rom. Pont.*, p. 617. Chacon says, *Vit. et res gest., Rom. Pont.*, tom. i. c. 1034, "De rebus gestis Eugenii III. fusius scripsit," *Chrysost. Henriquez in Fasciculo SS. ord. Cist.*, lib. 1, dist. 7; *Otho Frisingensis episc., monachus Cistercien.*; *Petrus Manlius in Opusc. Hist. sacræ, ad Alex. III. Pont.*; *Bernalb. Montalbus in Hist. Cisterci.*; aliique plurimi.

(8) See vol. 1. pp. 100, 102, 109.

monasterii Sanctæ Mariæ de Fontibus, quod in episcopatu Eboracensi situm est, ejusque fratribus, tam præsentibus quam futuris, regularem vitam professis imperpetuum. Apostolici moderaminis, etc., *ut supra.* Ea propter, etc., *ut supra.* Statuentes, etc., *ut supra, usque* permaneant. In quibus hæc propriis duximus vocabulis exprimenda, Locum ipsum de Fontibus, grangiam de Sutuna, grangiam de Caituna, grangiam de Coutonemore, grangiam de Warteshale, grangiam de Dacra et Aldeburgh, *(sic)* cum terris silvis, pascuis, et aliis appendiciis ad supradicta loca pertinentibus, Reinebergha, Neuhala[1] et cæteras terras quas Adam filius Suani dedit ad abbathiam ædificandam, Trutesdale, et quascunque terras Eustachius filius Johannis dedit ad abbatiam construendam. Sane laborum vestrorum, etc., *ut supra.* Si qua vero libera etc., *ut supra.* Addentes etiam, etc., *ut supra.* Sanximus autem etc., *ut supra.*

Paci quoque et tranquillitati vestræ paterna sollicitudine providentes, auctoritate apostolica prohibemus ut, infra clausuram locorum sive grangiarum vestrarum, nullus violentiam vel rapinam sive furtum facere vel hominem capere audeat;[2] et si quis hoc temerario ausu præsumpserit, tanquam sacrilegus judicetur, et excommunicationis ultione plectatur.

Decernimus ergo, ut nulli omnino hominum liceat præfatum locum temere perturbare, aut ejus possessiones auferre, vel ablatas retinere, minuere, seu quislibet vexationibus fatigare; sed omnia integra conserventur eorum pro quorum gubernatione et sustentatione concessa sunt, usibus omnimodis pro futura; salva sedis Apostolicæ auctoritate et diœcesani episcopi canonice reverentia.

Si qua igitur in futurum ecclesiastica sæcularisve persona, hujus nostræ constitutionis paginam sciens, contra eam temere venire temptaverit, secundo, tertiove commonita, nisi reatum suum congrua satisfactione correxerit, potestatis honorisque sui dignitate careat, reamque se, etc., *ut supra.* Cunctis autem eidem loco justa servantibus sit pax, etc., *ut supra.* Amen.

Ego Eugenius catholicæ Ecclesiæ episcopus,[3] [subscripsi].

(1) *Ibid.*, p. 56, note 5.

(2) The fourteenth Canon of the Council of Pisa, held in 1134, ordained, "Ut [in] eo qui ad ecclesiam, vel cimiterium confugiant, nullus omnino manus mittere audeat.—*Labbæi Conc.*, tom. xxi. col. 490. See also the 13th and 14th Canons of the Council of Rheims, 1148.—*Ibid.*, tom. xxi. col. 718.

(3) There is a fac-simile of part of a Bull of Pope Eugenius III., with the Signum, Bulla, etc., in *Rymer's Fœdera, N.E.*, vol. i. pars. 1. p. 15. His Signum occurs with different circumscriptions. In one, used in a Bull without date, it is uninscribed. (*Muratori Antiq. Ital. medii ævi*, tom. vi. c. 420.) Chacon mentions only one, where the inscription, FAC MECUM SIGNUM IN BONUM, appears written horizontally. (*Vit. et res gest. Rom. Pont.*, tom. i. c. 1032.) In a Bull

## Ego Conradus Sabinensis episcopus. Ego Imarus Tusculanus episcopus.

dated 15 Kal. Mar., 1146, the circumscription is, OSTENDE NOBIS DOMINE MISERICORDIAM TUAM (*Bullar. Rom. Cocquel.*, t. ii. c. 296) but, on x. Kal. Jan., 1146, it is written FAC MECUM DOMINE SIGNUM IN BONO, and also in one dated in 1150. (*Ibid.*, tom. ii. c. 301, 315. *Jaffé Regist. Rom. Pont.*, p. 615.) FAC MECUM SIGNUM IN BONUM is used in a Bull dated 8 Kal. Julij, 1147, (*Bullar. Rom. Cocq.*, t. ii. c. 303,) and also in another, dated 4 Id. April, 1148, addressed to Serlo abbot of Savigny, "Statuentes ut Ordo monasticus, secundum Institutionem Cisterciensium fratrum, tam in præfato monasterio, quam in his quæ sub ejus potestate consistunt, futuris temporibus inviolabiliter conservetur; et ut abbathiæ, quæ ad jus tui monasterii pertinere noscuntur, in tua tuorumque successorum obedientia et subjectione permaneant." Of the thirteen houses designated, twelve were in England, including Furness, Calder, and Byland, and one in the Isle of Man. (*Ibid.*, t. ii. 307). A similar Bull, comprehending many foreign houses, was issued by Pope Anastasius IV., xii. Kal. Maij, 1154. (*Bullar. Rom. Cocq.*, t. ii. c. 343, *ex Martene Vet. Script.*, tom. i. col. 433).

Pope Eugenius, by a Bull, addressed to Gotho abbot of Citeaux and to all the other brethren and monks of the Cistercian order, and dated at Segni on the calends of August, in the eighth year of his pontificate, confirmed the "Carta Caritatis," or Fundamental Statutes of the order, drawn up by Stephen Harding, 3rd abbot of Citeaux, with the counsel of his religious. The only confirmation which it had previously received was granted by Pope Calixtus 2nd, in 1119, being also the first Privilege which the order had acquired, after the exemption conceded to the abbey of Citeaux at its establishment in 1098, and confirmed by Pope Paschal 2nd, in 1100. These three Bulls are entered in the Register of Privileges with the following rubrics.

*I.—Privilegium domni Paschalis papæ II. Quod Locus Cistercii ab omnium mortalium molestiis tutus et liber maneat. Ibidemque perpetuo abbatia sub speciali sedis Apostolicæ tutela habeatur, inhibendo ne quis ipsum cœnobium, quod Novum dicitur Monasterium, aut ipsius congregationem, astutiis quibuslibet aut violentiis perturbet; pacificationem controversiæ inter Cistercienses Molismenses confirmando.*

Paschalis episcopus, etc. Venerabili filio Alberico, Novi Monasterii abbati, quod in Cabilonensi parrochia situm est, ejusque successoribus regulariter substituendis, imperpetuum. Desiderium quod ad religiosum, etc.——Datum Trojæ, per manum Johannis, S.R.E. diac-card., xiiii. Kal. Maii, Indic. viii. Incarn. Dominicæ anno M.C., pont. autem domni Paschalis II. papæ, secundo *Regist. Privil. de Font., pars 3. fol.* 61b. See also, *Privil. Ord. Cist.*, p. 1.—*Bullar. Rom. Coquel.*, tom. ii. c. 113.—*Manrique Annal. Cist.*, vol. 1. p. 22.—*Labbæi Conc. ed. Mansi*, tom. xx. col. 980. —*Cherubini Bullar.*, tom. i. p. 15. Henriquez observes as to the date, "Pro Kal. Maii videtur legendum xiv. Kal. Nov." *Regula*, etc., p. 51.

It is not improbable that the first colony of monks which left Fountains bestowed the name of Newminster on their house, in honor of the original name of the parent house of their Order.

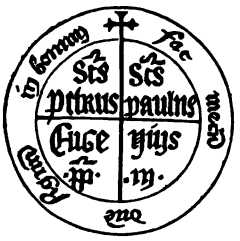
*II.—Privilegium domni Calisti Papæ II. de confirmatione primorum Statutorum abbatis et conventus Cisterciensis, ut sunt Carta Charitatis, usus Ordinis, et ea quæ antiqua dicuntur Cisterciensium Instituta.*

Calistus episcopus, etc. Charissimis in Christo filiis, Stephano venerabili Cisterciensis monasterii abbati et ejus fratribus, salutem et Apostolicam benedictionem. Ad hoc in Apostolicæ sedis regimen, etc.——Data Sede loci, per manum Grisogoni S.R.E. diac.-card. ac bibliotecarii, Kal. Jan. Indic. xiii. Incarn. Dom. anno MC.XIX., pont. autem domni Calisti secundi papæ anno primo. *Regist. Priv. de Font.*, p. 3. fol. 62. See also *Priv. Ord. Cist.*, fol. 2.—*Henriquez Regula*, etc., p. 52. —*Bullar. Rom. Cocquel.*, tom. ii. c. 166.—*Baron. Annal.*, tom. xviii. p. 328.—*Manrique Annal. Cist.*, vol. i. p. 115.—*Labbæi Conc. ed. Mansi*, tom. xxi. col. 190.—*Fejèr Codex Dipl.*, tom. ii. p. 61. —*Ypes Coronica de la order de San Benuto*, vol. vii. appx. p. 6.—*Monast. Angl.*, tom. i. p. 701. —*Addit. MS. Brit. Mus.*, 18, 148, fol. 7.

*III.—Privilegium domni Eugenii Papæ III. de eo, quod confirmat Cartam Charitatis et Consuetudinis ac Statuta Ordinis Cisterciensis, cum quibusdam specialibus gratiis.*

Eugenius Episcopus, etc. Dilectis filiis Gothonio Cistercien. et cæteris fratribus ac monachis, tam præsentibus quam futuris, regularem vitam et Cistercien. Statuta professis, imperpetuum. Sacrosancta Romana ecclesia, sicut in beato Petro Apostolorum Principe a Domino promissionem obtinuit, etc.——Datum Signiæ per manum Baronis S.R.E., scriptoris, Kal. Aug. Indic. xv., Incarn. Dom. anno 1152, pont. vero dompni Eugenii Papæ III., anno octavo. *Regist. Privil.*, p. 3. fol. 26.

This Confirmation occurs also, with the Carta Caritatis subjoined, in *Bullar. Rom. Cocquel.*,




Ego Gregorius presb.-card. tituli Calixti.
Ego Guido presb.-card. tituli Sancti Grisogoni.[1]
Ego Bernardus presb.-card. tituli Sancti Clementis. Ego Oddo diac.-card. Sancti Georgii ad velum aureum.
Ego Gregorius diac.-card. Sancti Angeli.
Ego Petrus diac.-card. Sanctæ Mariæ in via lata.

Data Trans Tibrim, per manum Roberti, sanctæ Romanæ ecclesiæ presbyteri-cardinalis et cancellarii, quarto Kal. Februarij Indictione viiii., Incarnationis Dominicæ anno M°CXLV^to[2], pontificatus vero dompni Eugenij papæ tertii anno primo. *Ibid.*, *fol.* 17.

## III.—ANASTASIUS IV. CONFIRMAT INSTITUTA ORDINIS ET "CARTAM CHARITATIS," ET STATUIT GRANGIAS FORE QUIETAS, SICUT ATRIA ECCLESIÆ. EST IN CISTERCIO.

Anastasius, etc.,[3] dilectis filiis Lamberto Cisterciensi et cæteris

tom. ii. col. 325, and in *Labbæi Conc. ed. Mansi*, tom. xxi. col. 669, without the Carta, but the authority is not quoted in either instance. See also *Bullar. Cherubini*, Romæ 1617, tom. i. p. 19. —*Manrique Annal. Cist.*—Lugd. 1642, tom. ii. c. 205.—*Priv. Ord. Cist.*, fol. 2b.—*Henriquez Regula* etc., p. 53.—*Regist. Mon. Vallis Regalis, Harl. MS.*, 2064 fol. 48b.

Pope Eugenius III. by his Bull, "*Cum omnibus ecclesiasticis*" dated 21st Oct., 1149, granted to Serlo Abbot of Savigny, that, "tam de personis, quam de rebus monasteriorum ei subjectorum, juxta Cisterciensium fratrum constitutionem disponendi et ordinandi habeat facultatem," prohibiting "ut nulli post factam in eisdem locis professionem liceat, se ab ejus vel successorum subjectione subtrahere." *Martene et Durand. Vet. Script.*, tom. i. p. 813. *Neustria Pia*, p. 684.

(1) "Ego Guido presb.-card. tit. S. Chrysogoni." *Bullar. Cocq.* t. ii. c. 289. *Jaffé Reg.*, p. 615.

(2) Probably this date should be MCXLVIto. Pope Eugenius III., in dating his Instruments, sometimes began the year on the 1st of January and sometimes on the 25th of March; but as he was elected on the 15th Feby., 1145, it could not have been calculated by either process that iiii°. Kal. Feb. MCXLV°. was in the first year of his pontificate. One of his Bulls, confirming lands to the Cistercian Abbey of Thame, is "Datum Trans Tibrim per manum Roberti S.R.E. presb-card. et cancellarii, Non. Feb. Indict. viiii. Incarn. Dom. MOCXLVJto. pont vero domni Eugenii Papæ III. anno primo." *Signum.* FAC MECUM SIGNUM IN BONUM. (*Cot. MS. Julius A.* vii. fol. 304b). It appears otherwise that he was, "Trans Tibrim," on the 28th Jany., 1146, and during several weeks subsequently. (*Jaffé Regest.*, p. 617). Besides the year 1146 was in the ninth indiction.

(3) Anastasius IV. was elected 9th July, 1153, and died 2nd Decr. in the year following. *Vita et epist. Anast. papæ IV. Labbæi S. Conc.*, tom xxi. col. 773-784.—*Baronii Annal.*, tom. xix. p. 76.—*Ciacon.*, tom. i. col. 1051-6.—*Muratori Rer. Ital. Scr.*, tom iii. pars 1. p. 440, pars 2. col. 870.—*Platina*, p. 117.—*L'Art de Vérefter*, t. 3. p. 347.—*Jaffé Regesta*, p. 653.—*Bullar. Rom. Cocq.*, t. ii. c. 334.

This pope, on the 20th of April, 1154, issued a bull of confirmation in favour of the abbey of Savigny, "Statuentes ut ordo monasticus secundum ordinem Cisterciensum fratrum, tam in præfato monasterio quam in his quæ sub ipsius potestate et disciplina consistunt, futuris temporibus inviolabiliter conservetur, et ut abbathiæ quæ ad jus tui monasterii pertinere noscunter, in tua tuorumque successorum obedientia et subjectione permaneant. (*Bullar. Rom. Coquel.*, t. 2. c. 322.) The names of these monasteries are recited, and among them occurs, "Abbathia de Fontibus," but this is the abbey of Les Blanches Fountaines in the diocese of Tours in France, founded about the year 1132. From this list it appears that the English houses then subject to Savigny were Furness, Holand, Caldre, (Russin in the Isle of) Man, Byland, Joreval, Basingwerk, St. Mary de Durelina, Pulton, Buildwas, Nethe, Buckfast, Quarre, and the abbey "de Dragonis fonte." In a

abbatibus ac monachis, tam præsentibus quam futuris, regularem vitam, et statuta Cisterciensis ordinis professis, imperpetuum.

Sacrosancta Romana ecclesia sicut in beato Petro Apostolorum principe a Domino promissionem obtinuit, quod universalis Ecclesiæ fundamentum existeret, et præceptum accepit, ut Christianæ fidei professores, in fide, religione, omnique sanctimonia confirmaret. Ita pro universarum ecclesiarum profectibus, sollicitam se semper exhibuit, et de instituendo, conservando et provehendo, in omnibus ecclesiis cultum sacræ religionis, fuit omni tempore studiosa; ita ut ab ea, sicut a fonte, ad universos ecclesiæ filios sit religio derivata; et quod ab aliis, qui Spiritus primitias acceperunt, religiose ac salubriter institutum est, per eandem immutabilem acceperit firmitatem.

Inde est, dilecti in Domino filii, quod sacræ religionis vestræ opinione, odore[1] tanquam agri pleni cui benedixit Dominus, provocati, religiosis petitionibus vestris benignum impertimur assensum, et regulares Institutiones vestras auctoritate apostolica confirmamus. In quibus, sub certis capitulis[2], quæ inferius annexa sunt, decrevimus exprimenda.

Statuistis equidem inter vos, ne in alicujus antistitis diœcesi ordinis vestri abbatia fundetur, donec ipse antistes, decretum, quod inter ecclesias ordinis vestri ad custodiam disciplinæ firmatum est, ratum se habere promittat.

Et ut in omnibus monasteriis de Ordine vestro, sicut in Cisterciensi ecclesia, beati Benedicti Regula perpetuis temporibus observetur, et in lectione ipsius, nullus ordinis vestri professor, præter simplicem et communem intelligentiam, quemlibet alium sensum inducat, sed uniformiter, et sicut quæque diffinita nos-

bull of pope Eugenius of like nature dated in 1148 the English abbeys only are mentioned, namely, Furness, Bufest, Buildwas, Nethe, Quarre, Stratford, Cogeshall, Basingwerk, Cumbermere, Byland, Swineshead, Calder, and (Russin in the Isle of) Man.

(1) Genesis 27. v. 27.

(2) The Carta Caritatis was divided sometimes into 23 and sometimes into 30 Articles. According to the latter and more modern arrangement, these are classed under five Chapters. The first, § 1—5, treats on the mode of living and the uniformity of procedure in monasteries of the Order. The second, § 6—14, relates to Supervision and the mode of Visiting them. The third, § 15—20, to the manner of holding the General Chapter of the Order and its authority. The fourth, § 21—24, to the mode of electing abbots; and the last, § 25—30, to the mode of receiving their resignation and conducting their deposition.

This confirmatory Bull of Pope Anastasius occurs also in *Privil. Ord. Cist.*—*Henriquez Regula*, etc., p. 54.—*Regist. Vall. Regal. Harl. MS.* 2064, fol. 50. It adopts the exordium and text of that of Pope Eugenius III., but comprehends the tenor of the Carta more diffusely. In the text the Carta is not subjoined to the Confirmation, nor, as it had been previously appended to that of Eugenius, in that entered in the third part of the Register of Privileges, according to the printed copy in *Priv. Ord. Cist.*, 1491, for the folio which once contained this Bull has been cut out of the manuscript.

cuntur, intelligantur ab omnibus, et inviolabiliter observentur,[1] et eædem penitus observantiæ, idem cantus, et iidem libri, qui ad ecclesiasticum officium pertinent, per universas ecclesias vestri Ordinis teneantur. Nec aliqua omnino ecclesia vel persona Ordinis vestri, adversus communia ipsius Ordinis Instituta, privilegium a quolibet postulare audeat, vel obtentum quomodolibet retinere.

Decrevistis[2] itidem, ut nulla ecclesia Ordinis vestri ei quam genuit aliquam terreni exactionem commodi imponat, sed tantum ut abbas matris ecclesiæ curam animarum habeat, tam abbatis quam fratrum domus illius, et illi, tanquam patri suo, ei obedientiam et reverentiam exhibeant filialem, et ipse potestatem habeat corrigendi quæ in eis noverit corrigenda.

Ordinatum est etiam inter vos, ut omnes abbates de Ordine vestro, singulis annis ad generale Capitulum Cisterciense, omni postposita occasione, conveniant, illis solis exceptis, quos a labore viæ, corporis infirmitas retardaverit; qui tamen idoneum nuncium delegare debuerint,[3] per quem necessitas remorationis eorum[4] valeat Capitulo nunciari; et illis item exceptis, qui in remotioribus partibus habitantes, sine grandi et evidenti difficultate, se nequeant[5] Capitulo præsentare. Qui nimirum eo termino venient, qui eis fuerit in ipso Capitulo constitutus.

Præterea si aliqua controversia inter quoslibet abbates de Ordine vestro emerserit, vel de aliquo eorum[6] tam gravis culpa fuerit propalata, ut suspensionem, aut etiam depositionem mereatur, quicquid inde a Capitulo fuerit[7] secundum vestrum Ordinem diffinitum, sine retractione aliqua observetur.[8] Si vero pro diversitate sententiarum in discordia causa devenerit, illud inde irrefragibiliter teneatur quod abbas Cistercii, qui pro tempore fuerit, cum his qui sanioris consilii et magis idonei apparuerint, indicabunt; hoc observato, ut nemo eorum ad quos specialiter

(1) Observetur. Easdemque penitus observantias, eumdem cantum, et eosdem libros qui ad officium ecclesiasticum pertinent, per universas ecclesias vestri Ordinis teneatis. *Conf. Cart. Carit. P. Eugenii Cocquel.*, t. ii. col. 326.

(2) This clause does not occur in the Confirmation of Pope Eugenius.

(3) debebunt. *Eugen. conf.*

(4) illorum. E.

(5) nequiverunt. E.

(6) illorum. E.

(7) fuerit canonice difinitum. E.

(8) After the word, "observetur," the Confirmation of Eugenius adds from the Carta "Personam autem de aliquo Ordine nulla ecclesiarum vestrarum sibi eligat in Pastorem, prout nec vestri Ordinis aliquem monasteriis aliis statuistis ordinati posse abbatem." He then proceeds with the clause. "Hæc nimirum, dilectissimi filii, de multis Institutionibus Ordinis vestri excerpsimus, et propriis curavimus Capitulis designare. Quia vero singula quæ ad Religionis profectum, et animarum salutem regulariter ordinastis, præsenti abbreviationi nequiverunt annecti, nos cum his, quæ præscripta sunt, omnia quæ continentur in Charta vestra, quæ appellatur Charitatis, et quæcunque inter vos Religionis intuitu regulariter statuistis, auctoritate Apostolica roboramus," etc. (*Bullar. Rom. Cocquel.*, tom. ii. c. 326.) The seven clauses succeeding in the text are not inserted in the confirmation of Eugenius.

causa respexerit, diffinitioni debeat interesse.

Addidistis quoque ad hoc, ut si quis abbas, pro inutilitate et pusillanimitate sua, se viderit ab abbatiæ onere relaxandum ab abbate illius domus de qua domus sua exivit, postulet humiliter relaxari. Qui petitioni ejus non leviter acquiescet, nec quicquam inde auctoritate sua efficiet, sed congregatis aliquantis abbatibus de Ordine vestro, cum eorum consilio peraget quod inde pariter cognoverint adimplendum.

Si quis autem abbatum Ordinis vestri sanctæ regulæ vel Ordinis contemptor vel prævaricator, aut commissorum sibi fratrum vitiis consentiens apparuerit, abbas matris ecclesiæ per seipsum, vel per Priorem suum, aut quomodo melius cognoverit expedire, usque quater, ut corrigatur admoneat. Quod si, post hanc admonitionem, nec culpam suam corrigere, nec a susceptæ provisionis officio cedere voluerit, aliquanti abbates vestri Ordinis in nomine Domini congregentur, et communicato consilio, si viderint opportunum, eum a regimine submoveant abbatiæ, ac postmodum alter qui dignus sit, consilio et voluntate majoris abbatis, a monachis ejusdem ecclesiæ simul et abbatibus, si qui ad eam pertinent, eligatur. Si autem is qui deponitur, aut ejus monachi, datæ in eum sententiæ contumaciter decreverint reluctandum, abbas matris ecclesiæ cæterique abbates plenam habeant auctoritatem censura eos districtionis ecclesiasticæ cohercendi. De quibus sane, si aliquis reversus ad cor, de sua contumacia resipiscens matris suæ misericordiam humiliter postulaverit, illius exemplo qui totam substantiam suam[1] male vivendo prodegerat, sicut filius pœnitens recipiatur. Sine qua utique causa multo semper studio attendenda, monachum cujuslibet abbatiæ in alteram abbatiam ad habitandum nullo modo recipi debere sanxistis.

Adjicientes, itidem, ut si forte abbates Ordinis vestri matrem vestram Cistercii ecclesiam a sacræ religionis observantia exorbitare perspexerint, ipsius loci abbatem per tres primos abbates de Firmitate, scilicet, de Pontiniaco et de Claravalle, usque quater, ut corrigatur, et subditos suos corrigere laboret, ammoneant; et omnia quæ de aliis abbatibus supradiximus, circa ipsum adimpleantur, excepto quod si cedere sponte noluerit, nec deponere, nec si contumax apparuerit, excommunicationis eum sententia poterunt innodare, donec, aut in generali capitulo, aut, si forte illud sine grandi periculo nequiverit expectari, convocatis abbatibus qui de Cistercio exierunt et aliquibus eorum, ipsi communi consilio virum inutilem ab officio abbatis amoveant, et tam ipsi

(1) Luc. xv. v. 13.

quam monachi Cistercienses alium idoneum abbatem ei studeant subrogare. In illum porro qui depositus fuerit et monachos ejus, si recalcitrare præsumpserint, sicut de aliis abbatibus constitutum est, sententiam severitatis ecclesiasticæ, prout melius viderint expedire, non dubitent promulgare. De quibus, si post hæc aliquis, culpam suæ contumaciæ recognoscens, ad quamlibet trium prædictarum ecclesiarum se salutis causa contulerit, sicut domesticus ecclesiæ recipiatur, quousque prout conveniens fuerit suæ restituatur ecclesiæ. Interim autem annuus abbatem conventus non apud Cistercium, sed ubi a tribus prænominatis abbatibus provisum fuerit, celebretur.

Præsenti etiam capitulo subnexuistis ut liceat unicuique matri ecclesiæ Ordinis vestri, tam de monachis quam de abbatibus ipsis ecclesiarum quæ ab ipsa processisse noscuntur, sibi quæcunque voluerit, si tamen dignus extiterit, assumere in abbatem. Personam autem de alio ordine, nulla ecclesiarum vestrarum sibi eligat in pastorem, sicut nec vestri ordinis aliquam monasteriis aliis statuistis ordinari posse abbatem.

Hæc nimirum, dilectissimi filii, de multis Institutionibus Ordinis vestri excerpsimus, et propriis curavimus capitulis designari. Adjicientes quod nullus episcoporum, abbatiis vel grangiis vestris, aliquam religiosorum seu sæcularium habitationem, unde vobis inquietatio possit provenire, superædificari permittat. Nemo etiam professos vestros, monachos aut conversos, sine licentia abbatum suorum, recipiat, aut susceptos audeat retinere.

Quia vero singula quæ ad religionis profectum et animarum salutem regulariter ordinastis, præsenti abbreviationi nequiverunt annecti, nos cum his quæ præscripta sunt, omnia quæ continentur in Carta vestra quæ appellatur Charitatis, et quæcunque inter vos religionis intuitu regulariter statuistis, auctoritate apostolica roboramus; vobis, vestrisque successoribus, et omnibus qui Ordinem vestrum professi fuerint, inviolabiliter perpetuis temporibus decernimus observanda.

De cætero quia propositum firmum habetis habitationi vestræ loci extra conversationem sæcularium eligendi, grangias vestras, sicut et atria ecclesiarum, a pravorum incursu ac violentia, liberas et quietas fore statuimus, ut nullus ibi hominem capere spoliare, verberare, aut rapinam exercere præsumat, in virtute Spiritus Sancti, inhibemus.

Sancientes etiam, ut propter communia interdicta terrarum, nulla ecclesiarum vestrarum a divinis compellatur officiis abstinere.[1]

Interdicimus item, ne aliqua omnino persona fratres Ordinis

(1) In the Confirmation of Eugenius is added, "Sed liceat omnibus de Ordine vestro, excom-

vestri audeat ad sæcularia judicia provocare; sed si quisquam sibi adversus eos aliquid crediderit de jure competere, sub ecclesiastici judicis examine experiendi habeat facultatem.

Decernimus ergo, ut nulli omnino liceat hanc paginam nostræ confirmationis infringere, vel præscriptas Institutiones vestras ausu temerario violare. Si quis autem, etc., *ut supra.*

Ego Anastasius[1] catholicæ Ecclesiæ episcopus [subscripsi]. Ego Hymarus Tusculanus episcopus. Ego Hugo Hostiensis episcopus. Ego Gregorius presbyter-cardinalis tituli Sancti Calixti. Ego Hubaldus presbyter-cardinalis tituli Sanctæ Praxedis. Ego Manfredus presbyter-cardinalis tituli Sanctæ Sabinæ. Ego Aubertus presbyter-cardinalis tituli Sanctæ Anastasiæ. Ego Julius presbyter-cardinalis tituli Sancti Marcelli. Ego Guido presbyter-cardinalis tituli Pastoris. Ego Johannes presbyter-cardinalis Sanctorum Johannis et Pauli tituli Pamachii. Ego Henricus presbyter-cardinalis tituli Sanctorum Nerei et Achillei. Ego Odo diaconus-cardinalis Sancti Georgii ad velum aureum. Ego Guido diaconus-cardinalis Sanctæ Mariæ in porticu. Ego Johannes diaconus-cardinalis Sanctorum Sergii et Bachi. Ego Girardus diaconus-cardinalis Sanctæ Mariæ in via lata. Ego Odo diaconus-cardinalis Sancti Nicholai in carcere Tulliano.

Data Laterani, per manum Rollandi Sanctæ Romanæ ecclesiæ presb.-card. et cancellarij, v° Id. Decembris, Indictione II^a^, Incarnationis Dominicæ M°C°LIII°, pontificatus vero dompni Anastasii papæ IIII., anno primo. *Ibid., fol.* 24.

IV.—PRIVILEGIUM ADRIANI IIII^ti^ DE PROTECTIONE; CONFIRMATIONE LOCORUM; IMMUNITATE DECIMARUM; CONFIRMATIONE LIBERTATUM REGIARUM; EXEMPTIONE ABBATIS A JURISDICTIONE EPISCOPI, ETC.

Adrianus[2] episcopus, servus servorum Dei, dilectis filiis Ri-

municatis et interdictis ejectis, clausis januis, summissa voce fratribus suis divina celebrare solemnia."

(1) Vide, "Anastasii P.P. signum et subscriptio." (*Bullar. Rom. Cocquel.*, tom. ii. col. 340.) "Locus sigilli, CUSTODI ME DOMINE UT PUPILLAM OCULI," without the monogram of benediction. *Ibid.*, col. 345.

(2) This Pope—Nicholas Breakspear, an Englishman—was elected 5 Dec., 1154, died 1 Sep.,

cardo abbati ecclesiæ de Fontibus ejusque fratribus, tam præsentibus quam futuris, regularem vitam professis, imperpetuum.

Officii nostri nos ammonet et invitat auctoritas pro ecclesiarum statu satagere, et earum quieti ac tranquillitati, auxiliante Domino, salubriter providere.

Ea propter, dilecti in Domino filii, vestris justis postulationibus clementer annuimus, et præfatam ecclesiam, in qua divino mancipati estis obsequio, sub beati Petri et nostra protectione suscipimus, et præsentis scripti privilegio communimus; statuentes ut quascunque possessiones, quæcunque bona eadem ecclesia in præsentiarum juste et canonice possidet, aut, in futurum, concessione pontificum, largitione regum vel principum, oblatione fidelium, seu aliis justis modis, præstante Domino, poterit adipisci, firma vobis vestrisque successoribus et illibata permaneant. In quibus hæc propriis duximus exprimenda vocabulis. Ecclesiam de Fontibus, et grangiam de Morcher, cum tota terra de Herleshow, per suas divisas plenarias, ex dono Roberti Sarez et uxoris illius Raganildis,[1] et terram de dono Willielmi de Percy, et terram quam dedit Ricardus Pedelarrun[2] et Normannus filius Uctredi, et terram quam Aldelinus de Aldefelde dedit vobis, et terram quæ erat in calumpnia inter Herleshow et Bertrannum de Bulmer quam ipse quietam clamavit. Grangiam de Sutton, cum terris, ex dono Rogeri de Molbray et uxoris ejus Aaliz, et Radulphi de Bellun, cum terris acquisitis a Torphino filio Gosipatric, et a Godwyno de Clutherum, et filio ejus Dolfin. Grangiam de Caiton,[3] cum terra Herberti, et via ex concessu Ricardi Pedelarrun, et terram quæ erat in calumpnia inter Caitonam et Merchingtonam. Grangiam de Kylnesey, cum terra quam Copsi de Redmer quietam clamavit. Grangiam de Cowton-More cum appendiciis suis. Grangiam de Daker, cum necessariis plenarie in Foresta de Niderdale, ex dono Rogeri de Molbray. Grangiam de Aldeburgh, cum terra quam dedit Turgisius filius Malgeri. Sex acras terræ de dono Gichel in Balderby, et tres de Radulpho de Brisow cum cæteris terris, silvis, pascuis, pratis, et aliis appendiciis ad supradictas grangias pertinentibus. Libertates etiam omnes seu immunitates ac regias consuetudines a karissimo filio nostro Henrico[4] Anglorum rege

1159. *Bullar. Rom. Cocq.*, t. ii. col. 348; but *L'Art de Vèrefier* says, "fut elu pape 3 Decembre, 1154."—*Vit et Epist. Labbæi S. Conc.*, t. xxi. 785-830.—*Baron.*, tom. xix. p. 77-149.—*Muratori Rer. Ital. Scr.*, t. iii. p. 1, p. 440, p. 2, col. 371.—*Ciac.*, tom. i. c. 1055-1070.—*Platina*, p. 177.—*Jaffé Regest.*, p. 658.

(1) See vol. i. page 54.
(2) Ibid., p. 157.
(3) Ibid., p. 55.
(4) See the present volume, Nos. iii. iv. v., pp. 3-5.

rationabiliter vobis et ecclesiæ vestræ indultas, et scripti sui pagina roboratas, auctoritate apostolica confirmamus, et illibatas perpetuis temporibus statuimus permanere.

Sane laborum novalium vestrorum quos propriis manibus aut sumptibus colitis, sive de nutrimentis animalium vestrorum, nullus omnino clericus sive laicus a vobis decimas exigere præsumat. Adjicientes præterea constituimus, ut si super decimis inter vos et aliquam personam ecclesiasticam, cum consensu archidiaconi vel episcopi sui, compositio rationabiliter facta est, rata perpetuis temporibus et inconcussa persistat.

Si qua vero libera et absoluta persona, pro redemptione animæ suæ, vestro monasterio se conferre voluerit, sucipiendi eam liberam facultatem habeatis. Addentes etiam, auctoritate apostolica interdicimus, ne quis fratres vestros, clericos sive laicos, post factam in monasterio vestro professionem, absque vestra licentia suscipere audeat vel retinere.

Præsenti quoque decreto sanximus, ut episcopus in cujus episcopatu ecclesia vestra consistit, nec regularem electionem abbatis vestri unquam impediat, nec de removendo ac deponendo eo qui pro tempore fuerit, contra statuta Cisterciensis Ordinis, et auctoritatem privilegiorum suorum se ullatenus intromittat. Sanximus autem, ne quis archiepiscopus vel episcopus sive cujuslibet ordinis locum vestrum a divinis interdicat officiis, sed liceat vobis omni tempore, clausis januis et exclusis excommunicatis et interdictis, divina officia celebrare, nisi abbatis vel fratrum ipsius loci evidens et manifesta culpa extiterit.

Paci quoque et tranquillitati vestræ paterna sollicitudine providentes, auctoritate apostolica prohibemus, ut infra clausuras locorum sive grangiarum vestrarum, nullus violentiam vel rapinam, sive furtum facere, vel hominem capere audeat. Et si quis super hoc temerario ausu præsumpserit, tanquam sacrilegus judicetur, et excommunicationis ultione plectatur. Decernimus ergo, ut nulli omnino hominum liceat præfatam ecclesiam temere perturbare, aut ejus possessiones auferre, vel ablatas retinere, minuere, seu quibuslibet vexationibus fatigare, sed illibata omnia et integra conserventur eorum pro quorum gubernatione et sustentatione concessa sunt usibus omnimodis pro futura. Salva sedis apostolicæ auctoritate, et diœcesani episcopi canonica reverentia.

Si qua igitur, infuturum, ecclesiastica sæcularisve persona, hanc nostræ constitutionis paginam sciens, contra eam temere venire temptaverit, secundo tertiove commonita, nisi præsumptionem suam congrua satisfactione correxerit, potestatis honor-

isque sui dignitate careat, reamque se divino judicio existere de perpetrata iniquitate cognoscat, et a sacratissimo corpore ac sanguine Dei, et Domini Redemptoris nostri Jesu Christi aliena fiat, atque in extremo examine districtæ ultioni subjaceat.

Cunctis autem eidem loco sua jura servantibus sit pax Domini nostri, Jesu Christi, quatenus, et hic fructum bonæ actionis percipiant, et apud districtum Judicem præmia æternæ pacis inveniant. Amen. Amen. Amen.

Ego Adrianus[1] catholicæ Ecclesiæ episcopus, [subscripsi].

Ego Imarus Tusculanus episcopus. Ego Cencius Portuensis et sanctæ Rufinæ episcopus. Ego Gregorius Sabinæ episcopus. Ego Guido presbyter-cardinalis tituli Sancti Grisogoni. Ego Hubaldus presbyter-cardinalis tituli sanctæ Praxedis. Ego Manfredus presbyter-cardinalis tituli Sanctæ Sabinæ. Ego Bernardus presbyter-cardinalis tituli Sancti Clementis. Ego Johannes presbyter-cardinalis Sanctorum Johannis et Pauli tituli Pamachii. Ego Henricus presbyter-cardinalis tituli Sanctorum Nerei et Achillei. Ego Johannes presbyter-cardinalis tituli Sanctorum Silvestri et Martini. Ego Odo diaconus-cardinalis Sancti Gregorii ad velum aureum. Ego Guido diaconus-cardinalis Sanctæ Mariæ in porticu. Ego Jacinctus diaconus-cardinalis Sanctæ Mariæ in Cosmidin. Ego Johannes diaconus-cardinalis Sanctorum Sergii et Bachi.

Data Laterani, per manum Rolandi sanctæ Romanæ ecclesiæ presb.-cardinalis et cancellarii, viiii. Kal. Decembris, Indictione V^a,[2] Incarnationis vero Dominicæ anno M°CLVI°, pontificatus vero domni Adriani papæ IIII. anno secundo. *Ibid.*, *fol.* 17^b.

V.—PRIVILEGIUM ALEXANDRI III.; MODICUM DIFFERENS A PRECEDENTI.

Alexander episcopus, etc., dilectis filiis Ricardo abbati monasterii de Fontibus, ejusque fratribus, etc., *ut supra.*

Quotiens a nobis petitur quod religioni et honestati convenire

(1) This signum of Adrian 4th—OCULI MEI SEMPER AD DOMINUM—may be found also in *Bullar. Rom. Cocq.*, tom. ii. col. 349, 361, 362, 366.

(2) The year MCLVI. was in the 4th Indiction. This pope sometimes commenced the year on the 1st of January, and sometimes on the 25th of March, and also revived the practice of designating the numeral order in which he ranked among popes of the same name. The year of his pontificate is only added occasionally in his constitutions. Vide *Cocquel. Bullar. Rom.*, tom. c. 456-457.

dinoscitur, animo nos decet libenti concedere, et petentium desideriis congruum impartiri suffragium.

Ea propter, dilecti in Domino filii, vestris justis postulationibus clementer annuimus, et præfatum monasterium, in quo divino mancipati estis obsequio, sub beati Petri et nostra protectione suscipimus, et præsentis scripti privilegio communimus; Statuentes ut quascunque possessiones, quæcunque bona, idem monasterium in præsentiarum juste et canonice possidet, aut in futurum, concessione pontificum, largitione regum vel principum, oblatione fidelium, seu aliis justis modis, Deo propitio, poterit adipisci firma vobis vestrisque successoribus, et illibata permaneant. In quibus hæc propriis duximus exprimenda vocabulis. Ecclesiam de Fontibus, et grangiam de Morker, cum tota terra de Herleshow per suas divisas plenarias, ex dono Roberti de Sartis et uxoris illius Raganildis. Grangiam de Sutuna ex dono Rogeri de Molbray et uxoris ejus Aaliz, et Radulphi de Bellun, cum terris acquisitis a Torfino filio Gospatric, et a Godwino de Clutherum et filio ejus Dolphino. Grangiam de Caiton cum terra Herberti, et via ex consensu Ricardi Pedelarrun. Grangiam de Marton cum terris in confinio ejusdem loci acquisitis. Grangiam de Kilnesey, cum dimidia carucata terræ in Bordelay. Grangiam de Couton-more, cum appendiciis suis. Grangiam de Aldeburgh, cum terra quam dedit Turgisius filius Malgeri, ex alia parte aquæ Joræ, cum communi pastura. Grangiam de Dacra cum necessariis plenarie in foresta de Niderdale, ex dono Rogeri de Molbray. Quadraginta acras, ex dono Gichell in Balderby, cum communi pastura, et tres, de Radulpho de Brysow, cum terris, silvis, pascuis, pratis, et aliis appendiciis ad supradictas grangias pertinentibus. Libertates etiam omnes, etc., *ut supra* (p. 77).

Sane laborum vestrorum quos propriis manibus aut sumptibus colitis, sive de nutrimentis vestrorum animalium, nullus a vobis decimas præsumat exigere.

Si qua vero libera et absoluta persona, etc., *ut supra* (p. 78).

Adjicientes insuper, auctoritate apostolica interdicimus, ne quis fratres vestros, clericos vel laicos, post factam in vestro monasterio professionem, absque vestra licentia suscipere audeat vel retinere. Præsenti quoque decreto sanximus, ut episcopus, etc., *ut supra* (p. 78).

Sanximus autem, ne aliquis archiepiscopus vel episcopus sive cujuslibet Ordinis locum vestrum a divinis interdicat officiis, sed liceat vobis omni tempore, clausis januis, exclusis excommunicatis et interdictis, suppressa voce, divina officia celebrare, nisi

# APPENDIX.

I.—A LETTER FROM G., BISHOP OF WHITHERNE, TO W., BISHOP OF DURHAM, ABOUT ORDAINING CERTAIN MONKS OF FOUNTAINS.—[Cart. iii., Pr. et Conv., Dunelm., 253*b*.]

Venerabili in Christo patri domino W. Dei gratia Dunelmensi episcopo, G., eadem gratia Candidæ Casæ episcopus,[1] salutem et promptissimam cum omni devotione reverentiam. Reverendæ paternitati vestræ manifestum facimus, quod cum nuper transitum faceremus per Dunelmiam, facta fuit nobis copia litterarum quas de gratia vestra concessistis viris religiosis dominis Priori et Conventui Dunelm. super ordinibus in absentia vestra celebrandis ibidem, per aliquem episcopum notum, si per eos transitum faceret. Verum cum et earum litterarum beneficio non haberemus quod ad alios ordinandos præterquam ad monachos illius ecclesiæ, et etiam ad viros religiosos vestræ diœcesios tantummodo potestatem nostram extendere possemus, de vestra tamen solita clementia ac summa benignitate plenam reportantes fiduciam, et maxime ad instantiam venerabilis in Christo patris domini Ebor. archiepiscopi, qui super hoc nos interpellavit, cujus preces vehementer credimus vos velle non recusari; tres monachos de Fontanis, et alios tres monachos de Jerovall de licentia nostra duximus ordinandos, non eo animo ut mandati vestri fines excederemus, aut juri vestro in aliquo derogaremus, ne, quod absit, in alienam messem falcem mitteremus, immo saltem ut juxta gratiam vestram istam gratiam facere possemus, vestras supplendo vices. In cujus rei testimonium præsentes litteras nostras sigillo nostro signatas vobis mittimus patentes.

II.—THE FOUNDATION CHARTER, BY ARCHBISHOP CHICHELEY, OF THE CISTERCIAN COLLEGE OF ST. MARY AND ST. BERNARD, OXFORD.—[MS., Univ. Coll., Oxon., J., i, 44.]

Universis sanctæ matris ecclesiæ filiis ad quos præsentes literæ pervenerint, Henricus permissione Divina Cantuariensis

(1) The Bishops concerned in this Letter seem to be Gilbert, Bishop of Whitherne, and Walter Kirkham, Bishop of Durham, *circa* 1249,

archiepiscopus, totius Angliæ primas, et apostolicæ sedis legatus, salutem, gratiam, et benedictionem, ac præsentibus fidem indubiam adhibere. Cum nuper metuendissimus princeps Henricus Dei gratia rex Angliæ et Franciæ et dominus Hiberniæ post conquæstum sextus, per suas literas patentes pro se et hæredibus suis nobis concesserit de gratia sua speciali, ut quoddam congruum et notabile mansum collegiale in honore gloriosissimæ Virginis Mariæ, Sanctique Bernardi, in vico vulgariter nuncupato Northgate strete, juxta et extra portam borealem villæ Oxoniensis, in solo nostro erigere, facere, et fundare possimus, in quo scolares monachi ordinis Cisterciensis in Universitate Oxoniensi pro tempore studentes simul poterint commorari, ac scolares prædictos monachos ordinis prædicti in mansum collegiale prædictum in solo nostro erectum congregare seu congregari facere, et ibidem Collegium perpetuum de uno Priore et Scolaribus monachis dicti Ordinis in Universitate Oxoniensi pro tempore studentibus fundare valeamus, regendum per unum de ipsis Scolaribus in Priorem dicti Collegii de tempore in tempus præficiendum et assumendum, ac in reliquis gubernandum secundum ordinationes sive statuta per nos aut successores nostros Cantuarienses archiepiscopos super præmissa fundatione facienda, quæ in dictis patentibus literis liquent manifeste: volentes hujusmodi concessionem gratiosam nobis concessam, et novum in hac parte propositum, ac veram intentionem in favorem et profectum Ordinis prædicti ad finem perduci præoptatum, in honore prædictæ gloriosissimæ Virginis Mariæ, et Sancti Bernardi, nos, Henricus, archiepiscopus, primas et legatus prædictus, auctoritate et vigore concessionis et licentiæ prædictæ, in unum mansum collegiale in vico vulgariter nuncupato Northgate-strete in parochia Sanctæ Mariæ Magdalenæ, juxta et extra portam borealem villæ Oxoniensis, in solo nostro proprio nuper per nos pro hujusmodi manso ibi faciendo perquisito factum et ædificatum, Scolares monachos ordinis Cisterciensis prædicti in Universitate prædicta studentes congregari ac simul fecimus commorari, et ibidem unum Collegium perpetuum de uno Priore scolarium prædictorum, et de Scolaribus illis et eorum successoribus in Universitate prædicta studentibus futuris perpetuis temporibus ordinamus, stabilimus, facimus et fundamus per præsentes, et Priorem illum de tempore in tempus præfici, ordinari, et gubernari in omnibus, prout inferius specialiter declaratur. Ordinamus etiam, virtute et auctoritate regiæ concessionis prædictæ, et non aliqua alia auctoritate seu jurisdictione spirituali nobis incumbente, quod Willelmus Bramley, scolaris, monachus Scolarium prædictorum, sit Prior Collegii

prædicti per institutionem spiritualem et jurisdictionem ipsius Ordinis Cisterciensis; et quod ipse et successores sui Priores ejusdem Collegii, et Scolares prædicti, et eorum successores, sint unum corpus et legitima communitas, quodque sigillum commune habeant imperpetuum. Et quod Collegium prædictum Collegium Sancti Bernardi in Oxonia nuncupetur, volentes Priorem illum et successores suos Priores Collegii prædicti pro tempore existentes in ordine prædicto et per eundem ordinem provisores monachorum studentium in Universitate prædicta, et non alio modo, nuncupari, acceptari, et teneri, ipsosque Priores omnibus et singulis beneficiis, statutis et privilegiis provisorum studentium dicti ordinis gaudere imperpetuum. Et ut Collegium antedictum perpetuis futuris temporibus sub honesto regimine conservetur, et quod Willelmus Bramley prædictus, et successores sui, necnon prædicti Scolares monachi præsentes, et eorum futuri successores, in eodem Collegio scientiæ Sacrarum Scripturarum et literarum studiis quietius insistere et operam dare possint, volumus et in quantum possumus, ex auctoritate prædictæ licentiæ domini regis nobis concessa, et non ex aliqua auctoritate ordinaria vel potestate spiritualis jurisdictionis nobis incumbentis, ne contraveniamus in aliquo privilegiis, statutis, et exemptionibus dicti ordinis quovismodo, volumus, concedimus, et ordinamus in plenam et finalem executionem et completionem fundationis nostræ antedictæ, quod omnes et singuli Priores Collegii prædicti in posterum præficiendi, ordinandi, vel deputandi, ex Scolaribus monachis dicti ordinis in eodem Collegio pro temporibus studentibus præficiantur, ordinentur et deputentur, deponantur, destituantur, et amoveantur, quotienscunque opus fuerit, per Visitatores ordinis supradicti pro tempore existentes, secundum modum et formam de institutione seu ordinatione provisorum studentium in ordine prælibato hactenus observatum, ac per generale capitulum ordinis prædicti aliter statuendum et ordinandum. Ad quod prædictus Willelmus Bramley et successores sui, ac Scolares monachi dicti Collegii, et eorum successores, quantum ad visitationem, correctionem, et jurisdictionem spiritualem in omnibus et per omnia immediate subsint et subjiciantur potestati et jurisdictioni Abbatis Cistercii, et Capituli generalis prædictorum, aut Visitatorum Commissariorum eorundem, qui pro tempore fuerint ad hujusmodi deputati, secundum privilegia, statuta, consuetudines et regulares observantias in eodem ordine hactenus observata, et non per nos nec successores nostros Cantuarienses archiepiscopos, nec per aliquos episcopos diœcesanos, seu per eorum alicujus ministros in præ-

fatos Priores, aut Scolares, seu in eorum successores aliquam jurisdictionem ecclesiasticam, ordinariam aut spiritualem, exercere, aliquid restatuere, ordinare, seu diffinire in posterum valeamus, aut valeant vigore fundationis Collegii sæpedictj. Et si aliquid in contrarium alicujus præmissorum fecerint, aut facere præsumpserint, hoc sit penitus irritum et inane. Potestatem autem interpretandi et declarandi hæc nostra statuta et ordinationes prædicta, aut nova, si oportuerit, edendi et faciendi super præmissis, Abbati Cistercii, et Capitulo generali ordinis supradicti omnino relinquimus et plenarie dimittimus per præsentes, veraciter confidentes in devotis suffragiis totius Ordinis prædicti pro nobis Altissimo spiritualiter oblatis, et in piis precibus universorum prædictorum Scolarium pro salubri statu regis prædicti et nostri quotidie dum vixerimus, cum Collecta *Rege generis*, et post decessum nostrum cum hac Collecta *Deus Qui inter Apostolicos*, in singulis suis missis. Ad quæ omnia et singula debite observanda una cum die obitus nostri specialis annuatim imperpetuum celebranda, omnes et singuli Scolares prædicti Collegii firmiter astringantur per speciale statutum in generali Capitulo ejusdem Ordinis solenniter ordinandum, harum tenore ordinamus. In quorum omnium testimonium et perpetuam evidentiam nostrum sigillum præsentibus apponi fecimus. Dat' octavo die mensis Februarii, anno Domini millesimo quadringintesimo, tricesimo septimo ; et anno regni regis prædicti sextodecimo.

Sciant præsentes et futuri quod nos Henricus permissione Divina Cantuariensis archiepiscopus, totius Angliæ primas, tradidimus, dimisimus, et hac præsenti carta nostra confirmavimus Willelmo Bramley, Priori Collegii Sancti Bernardi in Oxonia et Scolaribus monachis ordinis Cisterciensis in Universitate Oxoniensi studentibus, omnia terras et tenementa cum suis pertinentiis quæ nuper habuimus ex dono et concessione Johannis Quarram in parochia B. M. Magdalenæ extra portam borealem villæ Oxon., per nomina duorum mesuagiorum adinvicem situatorum in eadem parochia, inter tenementum Collegii voc. Universite College ex parte australi, et ten. Johanis Snareston ex parte boreali ; et continet in longitudine decem perticatas, et in latitudine novem perticatas et duodecim pedes ; ac unius tofti seu gardini jac. in suburbiis villæ prædictæ extra portam borealem ejusdem villæ in parochia prædicta cont. in longitudine novem perticatas et decem pedes, et in latitudine duas perticatas et undecim pedes inter ten. Margaretæ Shipton ex parte australi, et gardinum magistri et scolarium Magnæ Aulæ Universitatis prædictæ. Habendum

et tenendum omnia prædicta terras et tenementa cum pert. præfatis Priori et Scolaribus, et eorum successoribus monachis dicti Ordinis in Universitate prædicta pro tempore studentibus in puram et perpetuam elemosinam in eorum fundationem imperpetuum. In cujus rei testimonium huic præsenti cartæ sigillum nostrum apposuimus. His testibus Johanne Cottesmore uno justic. domini regis nunc de communi Banco, Ricardo Quatermayns, Drugone Barantyn, Willelmo Marmyon, Roberto Tredarf, et multis aliis. Dat. decimo die mensis Febr., anno regni regis Henrici sexti post conquæstum xvjmo.

On the same day he makes John Marthieby clerk, William Marmyon and Robert Tredarf his attornies, to give seisin to Bramley and the scolars of the above.

The king's license to the archbishop is dated at Lambehith, 20 March, anno regni nostri 15.

III.—CARMEN RYTHMICUM IN LAUDEM CISTERCII.—[MS. Univ. Coll., Oxon., J. i, *ad finem.*]

Gaude, felix mater Cistercium, firmamenti spera stelligera,
Paradisus lignorum omnium quem Divina plantavit dextera!
Fons erumpens in quadrifluvium quo virtutum rigantur olera!
Te fundavit Virgo perpetua, Trinitatis sacrum triclinium.

Archa Noe contra diluvium salvandorum altior camera,
Tu columba deferens folium olivarum pacis signifera,
Scala Jacob visa per somnium pœnitentes mittis ad æthera,
Charitatis dispergens munera, saccus ciphi Joseph peculium.

Rubus ardens monstrans prodigium castitatis vires per opera,
Virga ducis dans mare pervium, vita forti transcendens aspera,
Tu columna ductrix fidelium per desertum ad montis supera,
Testamenti dans archa fœdera elevatus clypeus fortium.

Vellus rore complutum nubium pietatis exprimis ubera;
Fons maxillæ dans refrigerium, lectionis frequentis littera,
Funda David per jejunium hostem frangens in carne tenera,
Sic cisterna Bethleem viscera reficiens pie precantium.

Virgo fovens regale sericum, languidorum relevans onera,
Tu reginæ Saba convivium contemplando subintras propera,
Thronus regis tu, sanctuarium tu, altare expians scelera,
Currus igneus quem fert in aera metus et spes, dolor et gaudium.

Cedrus montis, hisopus vallium summa tenens, moderans infera,
Aquas scindens Heliæ pallium, mala spernis, eligens prospera,
Helisei gratum tugurium, in quo fessus refovet latera,
Tu vas novum, salis quo misera corruptio sanatur fontium.

Fons qui crevit in magnum fluvium tu es, mater noster sic libera,
Tuus ordo Cistercensium est in orbe sol, lux et sidera,
Generale tuum collegium per virtutum currens itinera
Gloriosa virgo Christifera ad salutis perducas bravium.
Amen.

## IV.—A NOTE OF THE RECORDS OF FOUNTAINS ABBEY, AND THEIR PRESENT PLACES OF DEPOSIT.

### THE MUNIMENT ROOM AT STUDLEY HALL.

1. *The Coucher Book of Fountains.* A folio volume on paper, containing abstracts, in Latin, of 3382 Charters and Legal Instruments relating to the several estates of the monastery, and arranged under the alphabetical heads of Manors. Written about the time of Richard the Second and the close of the 14th century.

2. *A Parchment Roll* of immense length, containing copies of many hundred Charters and Legal Documents relating to the estates of the Monastery: written in the time of King Edward the 1st or 2nd. There is reason to suppose that there were other rolls in continuation. A partial copy of one, which cannot, at present, be traced, is in the possession of the writer of these notes; and another is mentioned by Dr. Whitaker in his History of Craven, but the owner has not been ascertained.

3. *A "President Book"* in one volume folio, written about the year 1420, and containing a chronicle or brief history of the abbots to the time of Abbot Greenwell, 1442 to 1471, being the chief source whence our knowledge of these dignitaries is derived[1] —a singularly interesting Register of Homages done to the Abbots (where, by whom, and when) for divers lands;—and a very copious and accurate digest of all the records of the house relating to certain of their manors and estates in Craven, illustrated by genealogical statements which throw great light—no

(1) This is printed in Vol. I. of the Memorials of Fountains Abbey.

where else to be obtained—on the distribution and tenure of property in that district in the 12th and 13th centuries. It contains also many notes and references to persons and things connected with estates of the Abbey in divers parts, and copies of thirty-six charters relating to property in Ripon, of which no other trace is known to remain. The name of "President Booke of ye Abbey of ffountaynes" endorsed upon it, has probably been derived from the practice of placing it and similar volumes of digested history of their estates before the President of the Chapter, who could thus see at once the facts and dates bearing on any point where information was required, without consulting the original Deeds and Records, to which there are constant references. This book has not the protection of a cover, and having been saturated in moisture, is not in good condition.[1]

4. *A Rental and Survey* of certain Manors, Granges, and Farms at Dacre, Brimham, Ingerthorpe, Wallerthwaite, Markington, Baldersby, Bramley, Aldbrough, Bewerley, Kirby Wiske, Malham-in-Craven, Bordley, Kilnsey, and Litton, ascertained by jurors on oath. A record of great value as regards manorial questions, and the allotment and division and value of the monastic estates, as well as the rise of many families who subsequently purchased the estates on which their forefathers had lived as tenants of the abbey.

5. *A very large Collection of Original Charters;*[2] being grants of manors, landed estates, rent charges, exemptions from tithes, tolls and suits of court; rights of road and of entercommon, free warren, composition for tithes, and privileges, franchises, and immunities of various kinds, dating from the time of the foundation of the Abbey to that of King Henry the Eighth. The whole are strung, without reference either to date, place, or subject matter, on piles of cord, and are therefore all but inconsultable without injury to the pendant seals, of which this is, without doubt, one of the finest and most valuable collections in the north of England. Apart from their curiosity and rarity—many of them being unique—they contribute not only much information on the interesting subject of seal engraving, but illustrate an early period in the practice of ornamental art, to which painted glass, illuminated pictures, sculptures, works in metal, and other sources of evidence seldom ascend. Among other

(1) An exact copy of this most valuable record is among the Walbran MSS.

(2) A large number of transcripts from these Charters are among the Walbran MSS.

valuable examples is a seal of Roger, Archbishop of York from 1154 to 1181, of which it may be doubted whether two other perfect examples remain, and where the counter seal, formed probably by his pontifical ring, bears the impression of a Roman gem displaying a chimera; though the object was so far misunderstood by the archbishop that the metal setting of his day bears the circumscription *Notrum caput est Trinitas.* Another seal of later date bears a very singular and interesting representation of the murder of Thomas a Becket, circumscribed "*Signum prome, Thome, dat passio Thome.*" A seal of one of the early Mowbrays exhibits a representation of him in the "tegulated armour" which has afforded a subject for controversy among military antiquaries. Some of the seals illustrate the origin of the armorial bearings of the families to whom they belong, while some of the minor land owners in the vicinity of Ripon have used the Roman signets or gems which they or their ancestors had picked up in their agricultural operations. None of these however are of a high class, and were probably all of Romano-British execution. A large number of these Charters have neither been copied into any Chartulary that is known at present, nor are even alluded to in the English notes of the Fountains Charters published by Dr. Burton in his "Monasticon Eboracense." No engravings of the seals have ever been published.

6. *Bursar's Accounts.* A folio volume on paper, containing the accounts of the Bursar of the Abbey for several years in the fifteenth century. The whole of the income and expenditure is recorded under classified heads, and with a minuteness that enables those in any degree familiar with the social history of the period to form a perfect mental picture of what was passing in the monastery at the time over which the accounts extend. The following notes, from a very hasty and imperfect abstract of the volume, will at least afford an idea of its varied and most interesting contents. First, as to the Abbot, Grenewell, a man of great learning, who seems not to have interfered actively in the government of the house. Paid to Robert the sadler, for repairing the abbot's harness, 23d. Medicine for the abbot, 2s. A russet suit for the abbot's stable boy, 15d. ("Puero de stabulo domini abbatis in roset"). Medicine for the abbot by the wife of John Belton, 20d.; partridges for the abbot, 8d.; mending a broken spoon for him, 4d.; carrying drink to Brimham (grange) for him, 2d.; a book 3d. and

paper for him, 5d.; red wax, 1d.; 2 pounds of soap for the abbot, 8d.; a pair of gloves for him, 2d.; another pair, 4d. In 1457 he made eighteen journeys, once to Middleham castle, to the Bishop of Exeter (Neville) 3s.; another time to Bishopthorpe, on the same business, 11s. 5d.; to Topcliffe several times, to the Earl of Northumberland; for birds for the abbot, 6d.; 25 skins of budge, 3s.; medicine at different times, 10s. 4d.; dyeing his scapulary, 2s. 6d.; figs for him, 6d.; parchment, 11d; medicine for him and the convent in a time of pestilence, 12s.; partridges, 12d.; for making a ditch in the abbot's garden, 16d.; for white thread, 4d.; for wine and pears for the abbot, 11d. ("In lycares domino abbati jd."); for fetching the abbot's staff, 1d.; journey to Woburn to the election of an abbot, £5 6s. 8d.; thence to Oxford, £1 17s. 9d.; thence to Meux abbey in Holderness, £1 8s. 9d.; thence to his manor of Wheldrake, 2s. 9d.; thence with brother Eseby to Fountains; 500 "sprotts" for the abbot, 4d.; and for fresh fish pro domino apud Scarbrough, iiijd. Stores purchased: a cart horse for the miller, 16s. 8d.; a boar from William Boon of Baldersby, 5s.; 44 loads of marl, 14s. 8d.; horse bread for Sir James Strangewayes's horses, 2d.; for 254 quarters and 2 bushels of wheat, £67 8s. 3d.; three quarters and three bushels of rye, 13s. 6d.; 357 quarters, 2 bushels and 2 pecks of barley, £69 18s. 5½d.; 187 quarters, 4 bushels, and 2 pecks of oats, £15 17s. 4d.; 4 quarters of peas, 19s.; 5 cwt. of iron, bought at York, of Thomas Armorer, 30s.; 18 ploughshares of Wm. Raner, of Liversedge, 10s. 6d.; a cart bought of Robert Tomson, of Ainderby, 16s.; for making 960 fagots at Marton, 6s. 4d.; for a saddle, 2s.; a pair of boots for Thomas Swinton (the prior) 20d.; cloth for a cape for him, 6s.; a waggon bought of John Wharf, 30s.; wheat bought of John Harrison, of Melmerby, 4 quarters 3 bushels, 21s. 9d.; of John Harryson, of Tanfield, 10 quarters for £3 16s. 8d.; of John Askwith, of Burton Leonard, 20 quarters for £6 13s. 4d.; of Thomas Farmery, of Dishforth, 2 quarters for 15s. 8d.; a horse for the abbot's stable, bought of Thomas Darnbrough, £2 6s. 8d.

Miscellaneous Expenses.—Expense of entertaining the Duke of York at Swanley Grange, by John, 1457: to Dan Henry Scruton, for fresh fish for the Duke of York, 2s. 8d.; to Richard Pickering for a pair of clavicords, in part payment, 2s.; to Robert Middilbrough for repairing the clock, 6d.; for a paper map of the world, 8d.; to a layman for cabbage and plants, xxd.; to John Ripley for making the great clock, in part; carrying pitch to Kilnsey-in-Craven from Fountains, 12d.; carts going

to Raley (co. Durham) for coals, 7s. 8d.; to a blind minstrel, 6d.; to the players of Topcliffe, 4d.; a servant of John de Markenfield bringing partridges, 2d.; to the minstrel of William de Plumpton, 8d.; to the boy bishop of Ripon, 3s.; to a fool from Byland, 4d.; players from Thirsk, 4d.; to the minstrel of the Earl of Northumberland, 8d.; to a story teller (fabulator) whose name was unknown, 6d.; to the minstrels of Beverley, 16d.; the minstrels of Lord Arundell, 16d.; of Lord Beaumont; of Lord Fitzhugh; to a herald of Lord Northumberland, 3s. 4d.; to the king's minstrels, in part, 3s. 4d.; to the fabulator or story teller of the Earl of Salisbury, 12d.; to the players of the Earl of Westmerland, 2d.; to the boy bishop of York, 6s. 8d.; to the king's messengers; the Archbishop of Canterbury's servant; Lord Clifford's servant; the servant of Agnes Sparth, of Ripon, bringing shell fish, 20d.; to the chaplain of Earl Dowglas, 12d.; to the players of Ripon, 2d.; to the Earl of Salisbury's secretary, 3s. 4d.; to a fool called Solomon (who came again) 4d.; divers bringing venison for the abbot, 10d.; to John Markenfield going to London, 6s. 8d.; to John Baldersby for a painted cloth, 2s. 9d.; John Folwood for repairs of the windows of the church, 10s. 8d.; in repair of the crown and (alms) chest of St. Anne, ijd.; spent at the table of William Sparth, at Ripon, 3s. 6d.

The present volume, which is in indifferent condition and unbound, was only recognized to belong to this most valuable class of records a few years ago, and has never been used for any publication.

7. A Parchment Roll containing a schedule of the plate and vestments in the Abbey of Fountains at the time of its dissolution, together with an account of the live stock and stores of grain there; taken by Brian Higden, dean of York, and Edward, abbot of Rievaux. With the exception of the very interesting portion relating to the vestments, this record has not been printed, but that very inaccurately, in Burton's "Monasticon," from whence it has been transferred, with additional errors, to "Storer's Fountains."[1]

8. A Paper Roll containing a survey of all the woods and timber trees belonging to the Abbey of Fountains, at the time of its Dissolution.

9. Several leaves of Vellum, extracted from a Chartulary

(1) Printed in the Memorials of Fountains, Vol. I.

of Fountains now at Ripley Castle, and containing copies of fifty-nine charters relating to Fountains, Hopperton, Horton, Ilkton, Ingerthorpe, and Ilkley.

10. A paper Book, being "The accompte of John Hall, clerke, recevor to Sr. Richarde Gresham, knight, maid the thirde day of Februarie, in the xxxvth yere of the reigne of our soveraigne lorde kinge Henrie the Eighth, of the arrerages, fines, rentes and debtes due to the said Sr Richarde Gresham, in the ffeastes of the Annunciation of our Ladie, ao regni regis Henrici Octavi xxxiiijto, and Saint Michael th' Archangell ao xxxvto regni prædicti for one hole yere endede at Michaelmas aforesaid, wth the areragies due in the feaste of Saint Michaell ao xxxiiijto regni prædicti and recevid in the monthes of May and Novembre ao xxxvto prædicto." This steward's account extends not only to the estates of Fountains, in the manors of Brimham, Bewerley, Markington, Aldburgh near Masham, Malton, Litton, Kilnesay, and Bordelay, but to other lands, formerly belonging to the monasteries of Swine and Nunkeeling in Holderness, and contains a valuable account of certain free rents and other payments made to the Lord of Fountains, of which there is no other evidence among these Records. Some of the out-payments are still very interesting, and give a glimpse of what was passing after the dissolution of the house. Thus there are payments for conveying the lead stripped from the abbey to Boroughbridge, thence to York "towards Hull;" and for the purchase and smelting of lead on Greenhow moor, shewing that Gresham turned those old mines of the abbey to account; payments for the leading the roof of the Manor House at Brimham; respecting a suit at the assizes at York with the Knaresbrough Forest men, and other legal expenses, among which we find, "Geven to Mr. Beckwith for writinge the court rolles and estreates vs., and for making an indictement *for him that stole the leade at ffountance*, viijd. From another entry it would seem that the Manor Courts were kept, still, in a style of which very definite traces remained at Fountains almost within living memory, when the assembly lasted for a week. "For our expenses in Craven with Marmaduke Bekwith, Myles Hardcastell, Henrye Buck, Laurance Bucke, Rafe Frere, William Wright, Roger Bayn, with other xij. persons, when we kepte the courtes ther, and huntide from the xth of Auguste to the xiiijth day of the same monthe, xxxs viijd." Another interesting paragraph is headed "White kairsey for my Mr. is men yt shulde have gone to the Borders," and runs as follows:

"Item, bought at Rippon the xxvth day of Auguste, vxxxiij yardes white clothe, vl. xiiijs. iijd., and geven to him yt brought the same to Brymbem ijd., and for a taylor of Rippon and his men is deners at Brymbem vjd., vl. xvs., and for my expenses when I bought the clothe viijd., and for two yerdes reade clothe ijs. viijd., and to a taylor for mayking fouretie cotes, vjs. viijd.; and for him and his servantes 10 mons when the cottes were in maykinge iiijs., and for whit threde xd., and for blacke threde 2d.'"

"Summa totall of the arreragies, fines, and rentes of Fountance, with th' arrerages in festo Michaelis a° 34to regni prædicti £764 9s. 11½d." "Summa totall of the arreragies of Fountance is £7 3s. 4d."

11. *A Schedule* of the Charters, Court Rolls, and other Records delivered by the officers of the Crown to Sir R. Gresham's steward. On one large skin of parchment.

12. *A Voluminous and Modern Office Copy of the Letters Patent of King Henry the Eighth*, dated 1st of October, 1540, whereby he conveys to Sir Richard Gresham the scite of the Abbey of Fountains, with all the franchises and privileges of the late abbot and convent, and many of its estates, together with lands late belonging to the dissolved monastery of Swine and Nunkeeling in Holderness. The original sealed letters patent had been abstracted from the title deeds of the estate upwards of a century ago, for Mr. Messenger notes on a scrap of paper inserted in the President Book, that they were then in the possession of Mr. Thornton, of Cattal, near Knaresbrough. His papers can still be traced.

13. *The Original Sealed Letters Patent of King James the First*, dated 21 June, An. reg. 2 do., whereby he confirmed to Sir Stephen Proctor, his heirs and assigns, all the privileges and franchises of the late dissolved monastery of Fountains.

14. *Several large bundles of Deeds and Papers*, partially arranged, forming the title to the site of the Abbey and several of its estates, from the time of Sir Richard Gresham, the Crown grantee, and containing also the foundations of the title to many other estates dismembered and sold off by successive proprietors of Fountains.

15. *Several Volumes of the Court Rolls of the Liberty of S. Mary of Fountains* and Manor of Markington, extending over about two hundred years to the present time, and the Records of the dormant Court of Pleas for the recovery of Debts within the Liberty of Fountains.

Gough, in his "British Topography," Vol. 2, p. 416, says: "The Registers of several Priories are in the hands of those of who possess the scites; but none can show so completean assemblage of their Records as Fountains Abbey, itself the compleatest religious house in the county, in the possession of the late Mr. Messenger, whose venerable seat in such a neighbourhood cannot be visited by antiquaries without envious reverence. His son sold it, 1768, to Wm. Aislabie, of Studley, Esq., who now has all the records." There are, unfortunately, reasons for doubting the latter statement, persons with whom I have conversed having seen several volumes of ancient MSS. at Cayton Grange, where Mr. Messenger resided, long after the sale of the abbey, and were told that they had belonged to Fountains. The relatives of Mr. Messenger have been applied to on the subject, but without eliciting any direct information.

## THE BRITISH MUSEUM.

*A large Folio Volume*, on vellum, containing full-length copies of Charters and other Instruments relating to lands granted to the abbey, and arranged under the alphabetical heads of manors or estates. This being the first volume of the series, comprehends the letters A to C, and contains a great number of important deeds relating to Aldfield and Baldersby.[1] The second volume is at Ripley Castle.

This MS. is entitled "Registrum Chartarum Monasterii Sanctæ Mariæ de Fontibus in Comitatu Eboracensi," and is the Cotton MS. Tiberius C. xii. It has recently been inlaid and magnificently bound in Russia.

*Cott. MS. Julius C.* 2. "Extracts from the Registers of Fountains Abbey in Yorkshire, relating to its foundation and other matters belonging thereto." — pages.

(1) A transcript of this important volume is among the Walbran MSS.

*Lansdown MS.*, 404. "Liber de Origine Monasterij Fontanensis. Sæc 17." 34 pages. Fol. 2—36.[2]

## BODLEIAN LIBRARY, OXFORD.

Among the Rawlinson MSS., No. —, is a 4to volume containing 152 leaves, which appears to be the earliest Chartulary of the Abbey. Like other books of the same class it contains charters copied at different times, from that of Stephen downwards, to the middle of the 15th century. The principal charters commence at fol. 20 with the "Carte de Aldeburg." It appears that Dugdale printed his Charters, commencing L1, vol. 5. from this volume, as his foliation agrees uniformly with the MS. There are about thirty charters in this division. The next comprise the charters relating to Baldersby, some eighty or ninety, of which about fifty are in the earlier hand. Eseby and Raynington follow in a different and later hand, and much abridged. Catton, Skyton, and Renton are in the same hand. At fol. 60 the charters of Picale commence, and in a very early hand. Then Rokesby in the Eseby hand, as also Aynderby and Melmerby. At fol. 88 occur the charters of Brinebem, in the earliest hand, followed by those of Caytone, Bradleya, Yeland, Fekesby, De la Haya, Lindleia, Morker, and Dacre, all in nearly the same writing, and that very early. Besides these there are merely some additions and table of charters of different periods. At the beginning of the volume is the note, "Perlegit Richardus Gascoigne, 26 Oct., 1629." (H. O. Coxe, Sub. Lib. Bode, July 5, 1860).

The Dodsworth MSS. contain transcripts from Chartularies and Charters of Fountains not now known to remain, particularly a Chartulary blown up in St. Mary's Tower, York, and another, then in the possession of Sir Henry Savill.

### IN THE LIBRARY OF UNIVERSITY COLL., OXFORD.—[J. 1.]

A Folio Volume, on parchment, containing copies of the Royal Charters and Papal Bulls of privileges granted to the Abbey of Fountains, and entitled "Cartæ Regum Angliæ et Privilegia Pontificum Abbatiæ de Fontibus in agro Eborz. concessa," a fol. 1 ad. 60—to which is added—"Privilegia et

(2) Printed in Memorials of Fountains, vol. I., from this and a MS. roll in the Library of Trinity College, Cambridge.

immunitates ordinis Cisterciensis per Johannem Abbatem Cistercij collecta." A fol. 61 ad fol. 149.

This MS. belonged to the Abbey, and is frequently referred to in the President Book at Studley. With a few inconsiderable exceptions, none of the originals of these Charters are now in the Muniment Room there. The following Royal Grants may still be found on the Patent and Charter Rolls, in the Rolls House, but it is presumed that, in the absence of the MS. now under consideration, copies of all the Papal Bulls could, only, be obtained from the Register in the Vatican.

1. Henry the 1st, recited, per Inspeximus.
2. Henry the 2nd, recited, per Inspex.
3. Stephen confirming Lands, recited, per Inspex. 1.
4. Richard the 1st, an. 1, 1189, per Inspex, Pat. 9, R 2.
5. Rich. 1, an. reg. 10, per Inspex.
6. I. Joh. Rot. Chart., m. 14. Confirmation. 86.
7. Rotul. Chart. 2 Joh. p. 1, mem. 8. Free Warren in Thorpe Underwood. 19.
8. Rotul. Chart. 7 Joh., p. 1, m. 3. Kirkeby Useburn. 19.
9. Rotul. Chart. 23 H. 3, p. 1, m. 2. Confirm.
10. Rotul. Chart. 33 H. 3, p. 1, m. 7. Grant of a Messuage at Boston, co. Linc.
11. Rot. Chart. 8 Edw. 1, p. 1, m. 27. Free Warren, Morker, Somerwith, Aldbrough, Sleningford, and Sutton.
12. Rot. Chart. 20 Edw. 1, p. 1, m. 6. Free Warren in Baldersby, Marton-le-Moor, Thorpe Underwood, Kilnsey, Bordelay, and Bradley-in-Craven.
13. 28 Edw. 1, Rotul. Patent., m. 24. Confirmation.
14. 35 Edw. 1, Rot. Pat., m. 16. Ampl. Confirm. Manerierorum, terrarum ac libertatum pro Abbate de Fontibus. The Lord Chancellor Hamelton died at Fountains in this year.
15. 1 Edward 2, Rot. Pat. 26. Pro Abbate de Fontibus.
16. 5 Edw. 2, Ro. Patent, m. 18. Ampl. Confirmatio terrarum et libertatum pro Abbate de Fontibus.
17. 5 Edward 2, p. 1, No. 21, Rotul. Chart. Pro Abbate de Fontibus. An attested copy at Studley, made 29 May, 1633.
18. Edward the 2nd, Rotul. Patent. an. reg. 12, p. 1, m. 18. Pro Abbate de F.
19. Edward the 2nd, Rot. Pat., an. 12, p. 2, m. 9. Pro Abbate de F.
20. Edward the 2nd, Rot. Pat., an. 16, p. 1, m. 4. Pro Abbate de F.

21. Edward the 2nd, Rot. Pat., an. 16, p. 2, m. 7. Pro Abbate de F.

22. Edward the 3rd, Rot. Pat., an. 1, p. 2, m. 5. Ampla confirmatio terrarum ac tenementorum pro Abbate de Fontibus.

23. Edward the 3rd, Rot. Pat., an. 2, p. 2, m. 23. Pro Abbate de Fontibus.

24. Edward the 3rd, Rot. Pat., an. 3, p. 1, m. 4. Exemplificacio cujusdem recordi et judicii per quod compertum fuit quod Abbas de Fontibus non tenetur reparare pontem de Bradley in com. Ebor.

25. Edward the 3rd, Rot. Pat., an. 14, p. 1, m. 39. Exemplificacio judicii in Assisis pro Priore de Wartre versus Abbatem de Fontibus pro communia pasturæ et estoverijs in vasto de Queldryke (Wheldrake, near York).

26. Edward the 3rd, Rotul. Pat., an. 18, p. 1, m. 1. Pro Abbate de Fontibus.

27. Edward the 3rd, Rotul. Chart., an. 23, p. 1, m. 5. Pro Abbate de Fontibus.

28. Edward the 3rd, Rotul. Pat., an. 27, p. 1, m. 15, 18. Ampl. libertat' confirm Abb. de Fontibus.

29. Edward the 3rd, Rotul. Pat., an. 30, p. 1, m. 16. Pro Abbate de Fontibus.

30. Richard the 3rd, Rotul. Pat., an. 36, p. 2, m. 17. Ampla confirmatio de diversis maneriis et libertatibus pro Abbate de Fontibus.

31. Edward the 3rd, Rotul. Chart., an. 40, n. 8. Confirm. Abb. de Fontibus.

32. Richard the 2nd, Rotul. Pat., an. 3, p. 3, m. 19. Ampla confirmatio pro Abbate de Fontibus prout in Chart. 40 Edw. 3.

33. Richard the 2nd, Rotul. Pat., an. 4, p. 1, m. 39. Pro Abbate de Fontibus.

34. Richard the 2nd, Rotul. Pat., an. 9, p. 2, m. 25. Perampla confirmatio quamplurium maneriorum, terr', ten' ac libertat' pro Abbate de Fontibus, prout in 40 Edw. 3, Chart.

35. Richard the 2nd, Rotul. Pat., an. 9, p. 10, m. 26. Alia perampla confirmatio eidem fact' de certis maneriis, terris, tenementis, libera chacea in Brimbem, in chacea de Niderdale, ac alia ampla proficua et libertat' in dicta chacea de Niderdale, ac in chacea de Kirkby, annuatim capienda ei concessa per Johannem de Mowbray dominum de Axholm et de Brember.

[The original Charter is at Studley].

36. Richard the 2nd, Rot. Pat., an. 16, p. 3, m. 4. Pro Abbate de Fontibus.

37. Henry the 4th, Rot. Pat., an. 3, p. 2, m. 18. Pro Abbate de Fontibus.

38. Henry the 6th, Rot. Pat., an. 3, p. 2, m. 2. Ampl confirm. maner' terr'. ac libert' pro Abbate de Fontibus. *Vide* Chart. 40, Edw. 3.

39. Edward the 4th, Rot. Pat., an. 16, p. 1, m. 4. Pro Abbate de Fontaunce.

This valuable Record was given to the Library of University College before, or in, the year 1697 ; as it is said by the Rev. Dr. Hugh Todd, canon of Carlisle, who sprung from a respectable family, long resident at Wath, near Ripon.

The Royal and Archiepiscopal Charters were kept at Fountains, in a separate chest. The compiler of the Chartulary used by Dugdale, noting on Thurstan's confirmation of the grant made by Robert de Saiz, "Hoc invenietur in teca Regum et Archiepiscoporum." (Mon. Angl., vii.)

In addition to these Royal Confirmations (printed in this present volume) the MS. contains all the Papal Privileges.

## MSS. AT RIPLEY CASTLE.

*Registrum Chartarum Monasterii Sanctæ Mariæ de Fontibus, in comitatu Eboracensi.*—This noble volume, which retains its original binding, is the second portion of a Register of all the documents relating to the estates of the Abbey of Fountains which was prepared, apparently by Abbot Huby, in the reign of King Henry VII. The first volume, containing the Charters of places under the first three letters of the alphabet, had come into the possession of Sir Robert Cotton, as early as the year 1625, and is now in the Cottonian Library in the British Museum, where it is marked *Tiberius*, C., XII. It narrowly escaped destruction in the fire which broke out in the Library, on the 23rd October, 1731 ; but the damage which the margin sustained is now the less visible, since it has lately been inlaid and magnificently rebound.

The present volume, which contains the Charters of estates under the letters D to J, appears from a memorandum in the 116th volume of Dodsworth's Collections, in the Bodleian Library, to have been "*in custodia W. Ingelbi*" in the year 1619. There is, indeed, an entry on the first leaf relating to the pagination of an Index Locorum at page 46, signed "25 *Decembr* 1619. *Richarde Gascoigne*," but as that well-known antiquary could not even refrain from writing a note in the

Archiepiscopal Register at York, opposite the great Judge Gascoigne's will, these entries may not be conclusive proof either that he was then the owner of the volume, or that Mr. Ingilby had obtained it from him. A note, of this period, on the first folio, "*This bouke hath in leaves the number of* 291" is still correct; and, together with Gascoigne's pagination, shews that some leaves which have belonged to it, and are now among the Records of Fountains at Studley-Royal, had been extracted at a remote period; probably when the records and papers of the Abbey were dispersed at its dissolution. They contain charters of lands in Fountains, Hopperton, Horton, Ilkton, Ingerthorpe, and Ilkley. The leaves containing the charters of Hutton-Conyers, and the first sixteen charters of Galphay, are lost. From a transcript of a warrant, issued by Bishop Juxon, Lord High Treasurer, now among Le Neve's papers in the British Museum (*Harl. MS.* 6822, fol. 37,) it appears that Mr. Ingilby was once not only in danger of losing this Chartulary, but also that of Bolton Priory in Craven, which was long afterwards preserved at Ripley Castle. It does not appear that the mandate was in any instance obeyed, but it is an interesting illustration of "the high prerogative days" and affords useful proof of the former place of deposit of several of the most valuable Northern Chartularies. It runs as follows :—

"Whereas, upon the petition of John Rauson, keeper of his Majestie's house of records and evidences, called St. Marie tower at York, I am enformed that the coucher bookes of the Monasteries and Abbeys of Monkbretton, Meux, Fountaynes, Boulton, Whitbye, Drax, Selby, Pontefract, Roche, Bridlington, and of the cell of St. Martine neere Richmond, in the county of York, doe nowe remayne in your several custodies, thro' the want whereof his Majesty is much prejudiced in his revenues and liberties belonging to the said late dissolved monisteries and abbeyes, and his subjects oftentimes put to causeless and unnecessarie suits in lawe, which otherwyse might be determined and decided with much lesse expence of monies and losse of tyme, yf the forsaid coucher books were remayning in a publique office of record, where everie man might have free access to come unto them at their liberties and pleasures, which said books are conceyved meerely and properly to be the King's records and evidences, and not of anie private subjects of what estate or condition soever. These are therefore to will and require you to delyver unto the said John Rauson, such coucher book and books of the monasteries and abbies aforesaid as shall remayne in

your custodyes, betwixt this and the feast of the birth of our Lord God next coming, to remayne in the said house of evidences amongst the rest of his Majesties records, as well for the use and benefitt of his Majestie as of his subjects as occasion shall require. Hereof fail not, as you will answer the contrarie at your perills: and that you and everie of you respectively take notice of this our current warrant being showen unto you, and a true coppie thereof being left with you. From Fullam house the 28th day of July, 1627.

Your very loving friend,
GUIL. LONDON."

"To my very loving friends, Sir Fra. Wortley, bart.; Sir Wm. Armyn, knt. and bart.; Sir Wm. Alford, knt.; Wm. Ingleby, esq.; Sir Hugh Cholmeley, knt.; Philip Constable, esq.; Thomas Walmesley, esq.; Roger Doddesworth; —— French; —— Pepper, gent.; Sir James Bellingham, knt.; and Sir Wm. Strickland, knt." The like warrants to the lord warden for the ledger book of Byland, and lord Falconberge for that at Newburgh in Yorkshire.

Three of our chief Yorkshire Antiquaries have been favoured with the use of this valuable book—Dodsworth, Drake, and Dr. Burton; the former, in addition to his copious selections, having also fortunately made that abstract of the Chartulary of Bolton Priory which will be found in the 144th volume of his Collections. A note written on the two-hundredth page, records that "Chartularium hoc antiquum, maximè venerandum, *perticulatim in usu erat F. Drake*, in compilando librum suum Historiæ et Antiquitatum Ecclesiæ Cath: et Civitatis Eboraci. A. AE. C.M.DCC.XXXIV." The whole of Dr. Burton's articles in the Monasticon Eboracense, from page 159 to 173, were, with some trifling exceptions, compiled entirely from this manuscript, from which he also transcribed above three hundred instruments for the Appendix to the work, now remaining in the Library of Sir Talbot Constable at Burton Constable. Burton also, it must be remembered, was indebted to Sir John Ingilby for the use of the Register of Bridlington Priory, from which his article on that subject was drawn; and a Register of the Acts of the Chapter of Ripon.

A leaf from one of the Choir books of the Abbey, dating in the latter half of the twelfth century, will be found at the end of the volume. There are similar end-leaves in the Register of Fountains in the Cotton Library.

The volume of the Great Chartulary next in succession to the present, and containing the Charters under the letters K to M. is now in the Library of the late Sir Thomas Phillipps. Those required to complete the series have not, unfortunately, as yet been traced.

There was formerly another Chartulary of Fountains at Ripley Castle, of great value and importance, but when or why it was removed has not been ascertained. In the History of Meux Abbey in Holderness, published in the year 1655, in the first volume of the "Monasticon Anglicanum," page 797, the chapter headed "Fundationis et fundatorum historia," containing many facts not to be found elsewhere, is said to be taken "*Ex registro de Fontibus penes Willielm. Inglely, mil., an.* 1630, *fol.* 10 *a*; and at the 799th page, the reference to "Genealogia Fundatoris" is, "*Adhuc ex registro de Fontibus, fol.* 19*b*." These documents and references identify the volume with one which was given by Dr. Richard Rawlinson, in the last century, to the Bodleian Library, Oxford, where it is now known as *Rawlinson MS. B.*, 449. It is of the quarto size, was written partly in the thirteenth and partly in the fourteenth centuries, and has formed part of a series of which there is another volume in the Library of University College, Oxford. Beside many memoranda and documents of a miscellaneous character—among which will be found a copy of the letter of Pope Benedict XII. to King Edward III., concerning the excesses of Louis of Bavaria, 13 Nov. 1338—the Register contains transcripts of charters of endowment granted to the abbey in Aldborough near Masham, Baldersby, Eseby, Aisenby, Rainton, Catton, Skipton-on-Swale, Newton near Leeming, Rokesby, Pickhill, Ainderby, Melmerby, Brimham, Cayton, Ripley, Godewinescales, Stainley, Follifait, Bradley, Heaton, Eland, Fixby, Lindley, Morker, Dacre, and Nidderdale. On the first leaf is written, "*Perlegit Richardus Gascoigne*, 16 *Octob.* 1619. *Iterum perlegit*, 7 *Septemb.* 1620," so that, probably, the manuscript was lent by Mr. Ingilby to Gascoigne, along with the Chartulary of Fountains before mentioned.

It may not be inappropriately mentioned that a noble volume, supplementary to the Great Chartulary of Fountains, and of inestimable value—since it contains not only the Royal Grants and Papal Privileges to the house, but nearly all the Papal Bulls granted to the Cistercian Order—now remains in the Library of University College, Oxford, and very probably has once reposed with these kindred volumes at Ripley. On the back of the

sixty-eighth folio is written, in a beautifully clear and legible hand, "This booke cost forte Shillings; per me Thomas Ingleby," and on the back of the 47th, in the same hand, the date, "1614." A gentleman of this name was then resident at Ripley. The fact, therefore, with the abundant evidence that exists to prove the anxiety of the Ingilbys to collect the scattered books of the abbey, renders it all but certain that it has been owned by a member of this house; as identification of the handwriting may hereafter prove. It is not known how the MS. came into the possession of the College.

"THE VALOR," ETC., OF FOUNTAINS. A Paper Roll, measuring many yards in length, being the duplicate of a survey of certain estates of the dissolved monastery of Fountains, granted to Sir Richard Gresham 1st October, 1540, now preserved in the Public Record office, London. The upper part of the document, which has contained the title and the survey of the site of Fountains, and of Fountains park, is unfortunately wanting. The former may be supplied thus :—

"FOUNTAUNCE NUPER MONASTERIUM IN COM. EBOR."

"The Valor of the Scite and Demanes, with the Graunges late in the occupation of the said late Monastery, and also the Valor of dyvers lordshipps, maners, landes, and tenements, whiche were parcell of the lands belonging to the same late Monasterie, with the valewe of the woods growing upon the same, all which Demanez and Graunges, with woods, be surveyed by Leonard Bekewith and Heugh Fuller, by vertue of letters missives, by the right honorable Sir Thomas Cromwell, knyght, lord Cromewell, and lord privy seale, datyd the ix day of Septembre, to the same Leonard Bekewith and Heugh Fuller, directed in that behalf, as hereafter ensuyth."

This Survey, collated with the duplicate in the Public Record Office, has been recently printed, by the kind permission of its owner, in the first volume of the "Memorials of the Abbey of St. Mary of Fountains," published by the Surtees Society, and copiously illustrated by notes.

Beside the kind of information usually derived from documents of this age and kind, the minuteness with which the survey was taken, will enable those acquainted with the districts described, to arrive at some very interesting agricultural statistics. Throughout the greater portion of the record, the name of the tenant of

each farm is stated, with the estimated measurement of every field, its state of tillage, and its value per acre. It is pleasing to find that after the subdivision of the property of these humane and liberal landlords, by Gresham and his heirs, no small portion of the estates were purchased by the hereditary savings of the tenants. The social utility of the dissolution of the Monasteries, in creating an independent middle-class, might be forcibly illustrated by this document.

THE OCTAVO VOLUME marked on the cover "23," appears, on a cursory examination, to contain the following MS. Tracts or Treatises.—

1. Two leaves written in a hand so minute as to be all but unintelligible to the naked eye; being a fragment of a Treatise on Medicine, or a kind of Medical Dictionary, written probably in France or Italy, in the fourteenth century.

2. A Latin Grammar in 28 pages, and perfect. The name of the author, who seems to have been well acquainted with the work of Priscian, and quotes many of the Classical writers, does not apparently occur. It was probably composed in the 14th century, when this copy was written. It is not, I believe, included among the "Grammatici Veteres," published and collected by Elias Putchius in 1605.

3. A "Formulare" or collection of legal precedents chiefly relating to the conveyance of landed property, with "Regulæ" or commentaries of great interest and importance, prepared by Simon de Oxenford. I am not, at present, aware when he flourished, but the present copy is the work of two scribes, and dates about the close of the 15th century. It is not quite perfect, ending abruptly at the foot of the 36th folio.

4. A treatise of 72 pages, written by one of the scribes of the preceding work, to which it would be difficult, without diligent examination, to give any particular name. Some idea of its mystical character may however be derived from the opening words of a dedication or address—"Victorioso principi *potestates aerias debellanti* domino C. dei gratia Navarri magnifico Campaniæ," &c., by "Johannes vocatus Lemovecensis." The work consists, as regards its form and division, of 20 epistles from "Pharao rex Egipti Josepho Ebreo," and from Joseph to Pharoah—and probably was considered by the writer to be profound philosophy.

5. A copious and very interesting and valuable treatise to which no name is annexed, but, as it is concluded by the words

"explicit Ovidius," it may have been known by that name. It is, in fact, the heathen mythology moralized, though, "Paganism transmuted into popery" would apply to some passages which may be found; and the publication of an English translation might not be without its use. The author, whose name has not yet occurred to me, appears, indeed, to have been duly sensible not only of the difficulties of his task, but of the objections which would be raised against it, and, in a curious preface, anticipates and endeavours to answer them, beginning with instances from the scriptures, and ending with the position that it is *lawful*, if a man *can*, to obtain oil out of a flint—"oleum de saxo durissimo" —and that "Fas est ab hoste doceri." The work is, however, of great consequence to those who would obtain a clear insight of the working of the theological mind upon an important subject, at a particular period. It is apparently quite perfect, and has been written at the latter end of the 15th century, by at least three different hands.

6. After a leaf from an astronomical work, follows a fragment of a work on Latin Prosody, probably part of a mediæval work on grammar, that may be identified. Some of the author's observations on the style and composition of the verses cited are very judicious. It has been written in the latter part of the 15th century, and occupies 11 pages; forming originally the conclusion of the book.

7. The process and sentence against certain Heretical Friars Minor of Italy, in 1354. Twenty-one pages, written at the time of the trial. Full of minute and remarkable details.

8. Sermons written in the 14th century, probably in Germany.

9. Eight pages of music, dating in the 15th century, conclude the volume. Two of the pieces are quite perfect—one of them a hymn to the Virgin Mary—and are quite translatable into the present form of musical text.

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The endorsement of No. "23" on this volume, and "25" on the account book of Abbot Swynton, together with the *handwriting* in which the contents of each book have been noted about a century ago, have induced a conjecture that these, and other MSS. at Ripley, may have formed part of the collection which was delivered from one owner of Fountains to another, from the time of the Dissolution to that of Mr. Messenger of Cayton Hall, at whose sale, I am informed, the late Sir John Ingilby purchased some "ancient books." There is similar handwriting in the

documents transferred by Mr. Messenger along with the abbey to Mr. Aislabie, and now in the muniment room at Studley Royal. If this supposition should prove to be correct, it would relieve the minds of many antiquaries, and others interested in the history of the North, from a suspicion that a number of books which Mr. Messenger had in his house at Cayton were subsequently either lost or unfortunately dispersed by the family to whom he bequeathed his *real* estates. Circumstances in the history of the family have rendered all enquiries futile. Several members of old County families believe, however, that all Mr. Messenger's books went with his other *personalty* to the Tunstalls; and the indications in the MSS. in question, and the remembrance of Sir John Ingilby having been a buyer of old books when Mr. Messenger's *personal* property was dispersed, seem to point to the real facts of a case which has received hitherto much fruitless and tedious investigation.

J. R. W.

*Prior Swynton's account book.*—The MS. marked No. 25, is ascertained to be neither a Compotus of the Bursar or the Celalrer of Fountains, as has been supposed; but a memorandum or account book kept chiefly by Prior Swynton, who took a very active part in the management of the secular affairs of the monastery, of which he became Abbot in 1471.

The volume, therefore, contains a large amount of minute detail, and information of a character not usually to be found in monastic or other mediæval accounts; and furnishes illustrations of the domestic economy of the house, which could not have been derived from any other source. The subjects are necessarily not arranged in strict order, but generally speaking, may be comprehended as follows.—

Statements of accounts between the Abbot and his tenants and servants. Expenses and other monies paid by Swynton for the house. Payments made to him for rent, cattle, corn, and other goods. Accounts of cattle received as part of rent, and especially from Allerdale in Cumberland; and their distribution among their tenants for agistment, or dispersion by sale. Purchases of live stock and corn. Issues of corn, at stated periods, from certain Abbey-Granges, in payment of debts and for the use of the house. Lists of debts, chiefly arrears of rent, owing to the Abbot. A rental of part of the Wheldrake estate. There are, also, towards the end of the book, some curious memoranda of the receipts of wool from the celebrated sheep-shearings in

Craven, and an alphabetical list of the servants of the monastery, and their several occupations.

At a period when the use of money, as a circulating medium, was extremely limited, the statements of account which occupy the greater part of the book, present some singular instances of the modes by which its absence was supplied. Not only did the Abbot receive all kinds of farming produce, such as corn, malt, cattle, butter and cheese, in part of payment, but also linen and woollen cloth and other articles of manufacture. These he paid again to the creditors of the Abbey; and the natural inference is fully corroborated that to manage such a system, even with tolerable success, a greater amount of energy and worldly shrewdness was required than many persons now supposed was to be found within the walls of a Convent. The great difficulty of making even small payments in specie is very strongly marked and there are several instances where the Bursar had to use some activity, and to ride far and long, after the fashion of country tradesmen of the present day, to raise a comparatively trifling sum that was urgently required. On the 7th leaf from the end of the MS. will be found the detailed result of the joint endeavours of the Bursar and Swynton among the tenants in Craven, to raise in cattle, sheep, money, or whatever they could obtain, the sum of 9*l.* to be paid "Thomæ Clapham," to whose name the ominous addition of "Ballivo" is appended; and on the 9th leaf, in the same direction, a note to the effect that 14 pieces of lead had been disposed of, to a merchant at Ripon, in part-payment of 20*l.*, which he had advanced to the Abbot when he was about to travel to London.

A great variety of amusing and interesting incidents occur in the account of monies paid by Swynton during his absence from home, and his transactions with different persons, as the following instances may shew.—In 1453, the Abbot, on his journey to Harlsey castle, near Northallerton, to baptise a child of Sir James Strangwayes, lost his way, and gave a boy called Tyrwhyte, twopence for directing his path through a wood.—A young man called Currer, "pro labore suo cum uno equo, ad monasterium" was rewarded with twopence.—Two men who drove cattle from Allerdale to Fountains, were paid a shilling.—An oblation of fourpence was made to the church of Ripon for obtaining the iron (of St. Wilfrid) for burning the cattle at Warsall.—Swynton's expenses at Brimham and in Nidderdale, surveying the cattle for four days, amounted to eightpence.—At a meeting at Ripon, eightpence was paid for sweet wine for the Abbot, who otherwise seems to have preferred it.—Six salt-fish

bought for the Abbot's kitchen cost twenty-pence.—The expenses of the Abbot's journey to Middleham, to speak with Richard Neville, Earl of Salisbury, victor of the battle of St. Albans, twenty-two-pence.—And at Ripon, fourpence, when, attended by Swynton, he baptised the son of Roger Ward of Givendale.—The minstrels of the Lord Poynings have twelvepence given to them.—In 1455, Swynton overlooks the planting of a hedge at "Mildeby" near Boroughbridge, between the tenement of the Abbey and the land of John Ingleby.—The expenses of a sheep shearing, eightpence.—When the Prior of Newminster brought Abbot Greenwell a present of "selfysch" he was rewarded with two ells of black cloth of the value of eight shillings.—Swynton bought a "felt-hatt" "pro equitacione" at a cost of tenpence.—A comparative idea of the value of their money may be formed from the fact that in 1456 wheat was sold at 4*s.* the quarter; rye, 3*s.* 4*d.*; barley, 3*s.*; oats, 1s. 4d. A good cow was worth ten shillings. A carpenter could earn fivepence a day. A man thrashing wheat, threepence per quarter; barley, twopence; green peas, 2½d.; grey peas, twopence; oats, twopence.

A remarkable facts is recorded on the 99th folio of the M.S., which when made public will doubtless lead to some speculation among historical students. One William Hudson, a blacksmith at Aldfield, in enumerating the deductions which he claimed from his account, "petit pro medicinis emptis filio domini Clifford xx$^{d}$". The particular date is not mentioned, but from the heading of the "Compotus actus" it would be in the 33rd Henry VI., 1454-5. If the circumstance occurred before the 22nd of May, 1454, the patient might have been the "Black-faced Clifford," whose father was slain on that day at the battle of St. Albans. But if by the "Lord Clifford" was intended the ferocious "Butcher" himself, then the incident is rendered even still more interesting by the probability that the son was none other than the "Shepherd Lord," then an helpless infant, whose subsequent concealment among the peasantry has been immortalized by Wordsworth. In either case it must remain a matter of curious speculation why a child of the all-powerful house of Clifford was left penniless in the cottage of a blacksmith, under the very shadow of the Abbey, and why the Abbot was afterwards requested to pay for medicines; which in the case of "Black-faced Clifford," perhaps protracted his life to become a curse to his fellow creatures, and a pestilent instrument of desolation.

(There is a description of the Ingilby MSS. in the Sixth Report of the Commission for Historical MSS.)

*June*, 1864. (J. R. W.)

# V.—EXCAVATIONS OF THE ABBEY.

## OBSERVATIONS ON THE NECESSITY OF CLEARING OUT THE CONVENTUAL CHURCH OF FOUNTAINS.[1]

At the recent visit of the British Archæological Institute to the ruins of Fountains abbey—although the care and attention with which that celebrated structure is preserved, elicited the praise and commendation of the several distinguished members then present—there appeared to be a unanimous persuasion that the development not only of its architectural, but also of its picturesque beauties, is not fully and satisfactorily attained; and that it was incumbent on me, as local secretary here, and also as one who has devoted considerable research to the history and architecture of the abbey, to make such a representation of the case to the Central Committee of the Institute, as might enable it (if it was considered to be within the scope of that influence it proposes to direct for the maintenance of our National Antiquities) to draw the attention of the noble owner to the fact, in a manner that might be deemed more respectful and persuasive than the mere suggestion of a solitary individual.

In order to explain why such a necessity exists, and how it was occasioned, after all the care and expense that, it is well known has been, during many years, bestowed on the abbey, it will be necessary to suggest a few remarks on its history subsequent to its dissolution.

It will be remembered that, at the time of the Reformation, the abbey of Fountains was one of the most magnificent and extensive structures, as well as one of the most powerful and wealthy monastic foundations in the kingdom. The church and the domestic offices had been built at an early period, when an accession of princely grants and donations had enabled the abbots to gratify their architectural inclinations, on the noblest scale, while the solidity of the Anglo-Norman mode of construction had secured both against hasty reform or dangerous decay. The space that remained covered by them, when their utility was at an end, is said to have been about twelve acres. After the surrender of the house, the work of destruction was not urged with that demoniac fury that was usually displayed at other

(1) A Paper addressed to the Central Committee of the Archæological Institute in 1846. It was this Paper which originated the Excavations at Fountains Abbey.

places; and, generally speaking, little more than the timber and lead of the roofs, the glass of the windows, and the internal fittings and furniture were removed. Immediately after the expulsion of the monks, the king granted the site of the abbey, with many of its possessions, to Sir R. Gresham of London, who, being non-resident, and having few tenants in the immediate neighbourhood, could not convert it into a stone quarry; while its sequestered situation protected it from the sacrilegious hands of the inhabitants of Ripon and the adjacent country. In 1596, it was sold by Gresham's family to Sir Stephen Procter, who, being attracted by the beauty of the place, could unfortunately, think of no other materials wherewith to build his mansion, than the walls of the monastery. For this purpose however, I would believe he took little more than the outbuildings; and the venerable and picturesque appearance that the house has now assumed, accords so well with the surrounding scene, that it materially mitigates the regret with which the antiquary would otherwise contemplate so wide a scene of spoliation. After Procter's decease, the estate passed restlessly through various hands, none of whom resided on the spot, or cared for the preservation of the abbey; until, in the middle of the seventeenth century, it was carried by a heiress into the family of Messenger, who, if they did not sufficiently protect it, did as much as their Romish creed would allow, without exciting suspicion, to preserve it from violence and sacrilege. During their possession, and in 1682, Thoresby, the historian of Leeds, recorded in his Diary that he saw it "full of trees in the very body of it;" and in this condition, "a noble wreck in ruinous perfection," it appears, from drawings and prints, to have remained until Mr. Messenger, in 1767, sold it to William Aislabie, Esq., the owner of the adjoining estate of Studley Royal. Mr. Aislabie had, naturally, long coveted its possession, as an invaluable addition to his celebrated Grounds, and immediately on obtaining possession, unfortunately set about, in the wretched taste of his time, to harmonize the crumbling and desolated relics of antiquity, with the trim neatness of his velvet lawns and gay parterres. The tourist Gilpin, of Boldre, visited the abbey when these operations were in progress, and in his "Observations relative chiefly to Picturesque Beauty, made in the year 1772," has left an indignant commentary on what he had not patience to describe sufficiently. "A few fragments," says he, "scattered around the body of a ruin are proper and picturesque. They are proper, because they account for what is defaced; and they are picturesque, because

they unite the principal part with the ground in which union the beauty of composition in a good measure depends. But here they were thought rough and unsightly, and fell a sacrifice to neatness. Even the Court of Justice[1] was not spared, though a fragment probably as beautiful as it was curious.

"In the room of these detached parts, which were the proper and picturesque embellishments of the scene, a gaudy temple is erected, and other trumpery wholly foreign to it.

"But not only the scene is defaced, and the *outworks of the ruin* violently torn away; *the main body of the ruin itself* is at this very time under the alarming hand of decoration.

"When the present proprietor made his purchase, he found the whole mass of ruin—the Cloisters,[2] the Abbey Church, and the Hall[3]—choked with rubbish. The first work therefore, was to clear and open. And something in this way might have been done with propriety, for we see ruins sometimes so choked that no view of them can be obtained .....

"But the restoration of parts is not enough: ornaments must be added, and such incongruous ornament, as disgrace the scene are disgracing also the monastery. The monks' garden is[4] turned into a trim parterre and planted with flowering shrubs; a view is opened through the great window to some ridiculous I know not what (Anne Bolein[5] I think they call it) that is planted in the valley; and in the central part of the abbey, a circular pedestal is raised out of the fragments of the old pavement, on which is erected a mutilated heathen statue!"[6]

From these remarks, which are corroborated by several other accounts, that I have heard, and partially by existing appear-

(1) I think that Mr. Gilpin was mistaken in his appropriation of this building; for what has been immemorially styled, and bears all the internal evidences of, the Court Room, still remains in substantial condition—a fine vaulted apartment, 42ft. 7in. by 22ft.—over the Kitchen. It had an ample staircase leading from the Cloister-court, but it is now choked with rubbish.

(2) It appears from the plan published by Dr. Burton, in his Monasticon Eboracense, that before Mr. Aislabie obtained possession, the portion of the Cloisters north of the entrance to the Quadrangular Court, was divided into three apartments, having separate communications with two walled courts in front, of which no apparent vestiges remain.

(3) The Refectory is perhaps intended by this name. The bases of the four columns that divided this noble apartment (109ft. by 46½ft.), and are indicated in Burton's plan, have disappeared.

(4) The Cloister Court, 125 feet square, whence a considerable, and the only remaining, portion of the arcade that supported the penthouse, was swept away. The present is not the original level; and several monumental stones are, I believe, concealed under the grass plot.

(5) A mutilated stone, now laid in one of the northern side chapels of the choir.

(6) I presume that this was one of the stray Arundelian marbles. Mr. Aislabie sometime inhabited one of the newly built houses in Arundel-street, the site where they were once deposited, and is said to have found the torso of a statue in his cellar, which he removed to Studley. All recollection of it is now lost; but when the members of the Institute visited Fountains on the 24th of July last, I drew their attention to the mutilated fragments, of which I apprehend it was composed.

ances, it seems that Mr. Aislabie not only removed the ruins of the groining and top courses of the walls that had fallen into the interior; but in his anxiety for a level surface removed, from the choir at least, many interesting fragments that should have been retained in their original and proper position. Thus, among operations that cannot be distinctly ascertained, it is specifically stated in the *Gentleman's Magazine* for 1820, that a part of the pillars of the arcade of the choir were pulled down, the superincumbent clerestory having fallen long before. It is all but certain, too, that he removed the greatest part of the reredos of the high altar, as a great portion of it was wrought up in an unmeaning gallery which he erected under the great eastern window. One of the greatest misfortunes, however, consequent on these operations, was not that he did so much, but that, in the main direction, he did not do sufficient. For, in the indiscriminate clearing of the floor of the abbey church, having removed the larger masses of loose groining and fixed masonry, he found it the readiest method of obtaining what he required, to bring the rest of the rubbish and fragmentary relics to a common level, and cover all with one oblivious sward. This process, which was likewise adopted in other parts of the abbey, occasioned the present specific cause of appeal, and one that is almost daily regretted by persons of education and cultivated taste, who visit the building from all parts of the kingdom. Whether then, it is considered with reference to the picturesque appearance of the building; or the proper development of the unrivalled architectural effect of the abbey church, this accumulation is, indeed, exceedingly to be lamented. Not only are the bases of the choir pillars—the only remnants of the inner structure of the choir—entirely buried, and many objects of interest—such as tesselated pavements, sepulchral slabs, indications of chantry chapels, and other internal arrangements—mouldering uselessly in the earth; but the principal constituent members of the fabric are robbed of their most graceful proportions and lofty elevation, and we are constrained to view them, and the general effect which they pervade, from a false and artificial level. The truth of this will be most evident on viewing the Semi-Norman nave, of which I annex a sketch, for the informatian of those who do not remember it, together with one of the appearance it might assume by the simple operation of removing the superfluous earth. The middle aisle of the nave, it will be observed, is formed by two arcades, each originally of eleven massive pillars, the bases of which, like examples now remaining in the Nave of Durham Cathedral, are

square, and consequently extremely powerful and effective features in breaking the long drawn perspective of the gloomy superstructure. Now as these bases are *entirely* buried, we lose not only their essential contribution to the general architectural and picturesque aspect of the fabric, but the effect of each individual column is degraded into a truncated, clumsy, and baseless mass; the proportion of the circumference of the shaft to the height of the pillar is utterly lost; and the meeting of the vertical lines with the horizontal sward creates angles offensive even to an eye unversed in geometrical propriety, and untutored by the rules and principles of art. The same observations may apply, in substance, to the Lady Chapel, where the effect of the unrivalled Early English columns that cross it in prolongation of the clerestory of the choir, and exhibit a triumph of art that captivates every beholder on his entrance to the building, is very grievously diminished, by the *total concealment* of their massy cylindrical bases beneath the sward. I might indeed, if it was necessary, point out the effect of this accumulation with reference to several other portions of the church; but when I say that, on an average, it prevails to a depth of two feet throughout the Conventual Church, which is 350 feet long, and of a dignity corresponding with our principal cathedrals, I trust the knowledge of that fact alone will be a sufficient vindication of the truth of my position, and of necessity of the present appeal.

And while these benefits might be assuredly conferred on the many thousand visitors that seek the abbey (either to gratify their minds by the perception of the beautiful, or to improve them by the study of the principles developed in its design and construction) by the employment of the spare time of a few labourers, in their most vacant portion of the year—there does not exist, in my humble opinion, any shadow of a reason that can be alleged, why such an operation would militate, in any wise, against the security or proper conservation of the building. The support that can be afforded, even to a declining foundation, by the pressure of a few feet of earth, would, of course, be entirely unavailing, if it was required. The indissoluble grout work, which is the very core and existence of the massy superstructure, is not dependant, surely, on the few bushels of earth that are accumulated at its base. Indeed, by the removal of the earth from the interior of the church, and that superfluity of it that has been carried out, and thrown under its external walls, the drainage of the moisture, that must militate most radically against the security of the structure, would be promoted; and,

an additional stability be gained, for that which we cannot devise too many expedients to maintain.

It is, indeed, a matter of great congratulation, that, since the decease of Mr. Aislabie, a most vigilant and generous attention has been bestowed on the abbey, by those who have had the honour to succeed to its possession. Beside incidental and judicious repairs, and the abolition of the chief extravagancies that Mr. Aislabie had committed, Mrs. Allanson, his eldest daughter and coheir, caused in 1790 and 1791, the splendid Chapter-house to be cleared of the mass of rubbish with which it was encumbered, on the representation of Mr. John Martin, of Ripon; who justly inferred, from the records briefly abstracted in Dr. Burton's Monasticon, that the tombs of several of the abbots might thus be discovered. The long and most worthy possession of her niece, Mrs. Lawrence, was distinguished by her attention to every means and circumstances that could promote the security of the structure. Among other works which the antiquary and architect must remember with especial and grateful satisfaction, was the substantial and judicious repair of the great tower from the top to the bottom; the reconstruction of a great portion of the groining of the Cloisters that fell suddenly in the year 1822; and the application of an impervious cement to the floor of the roofless dormitory, by which the arcade of the western cloisters —300 feet in length, was rendered secure against the percolation of the rain water, that ultimately threatened its destruction.

It was not, however, until the autumn of 1840, when the groining ribs, or rather arches of the nave aisles, were reset, that it become generally understood that the present sward does not correspond, in level, with the original floor of the abbey church. In clearing away, at that time, the mounds of rubbish that had accumulated in the southern aisle, the great square base of one of the columns of the nave was accidentally exposed; and on following it down to the floor, a singular and early geometrical painted pavement, apparently the floor of a chapel, was observed near the door leading to the Cloister Court. A few more openings were afterwards made, almost at random, in different parts of the church. The bases and moulded fragments of some of the pillars of the choir, of which no trace remains above ground, were observed, together with the foundations of the screen at each end of the choir. That behind the high altar had been little more than deeply recessed trefoil arches, supported by grey marble columns, similar in character and design to the arcade that runs round the choir and Lady Chapel. Of the western screen little was seen. It had been torn down nearly to the floor, and the

earth was not sufficiently cleared away to enable me to observe whether the fragments were removed or not. The first step of its geometrical staircase remained, *in situ*, on the north side; and immediately in the centre of the floor of the porch, was a huge slab of black marble, about 9ft. 6in. long, 4ft. 8in. wide, and 7in. thick, but broken in several places. It had been richly inlaid with a brass of a mitred figure, holding a crosier or "crutch," with two shields above his head, and a circumscription, with corner pieces intended probably for the evangelistic symbols. The annexed sketch, made from a verbal description, will afford some idea of the appearance of the slab; which we may suppose covered the remains of the abbot, John de Ripon, who died at the Abbey Grange at Thorpe Underwood, 12th March, 1435, and is said in one of the records of the abbey, called the "President Book," to have been buried before the entrance to the choir. The perfect skeleton of a very tall man was found, resting on a paved bed immediately below the stone; but no trace of a ring, chalice, paten, or any other relic or substance whatever was observed. In the Lady Chapel, a part of the floor was discovered to be paved with square tiles, chiefly red and black, and black, and about six inches square; and the bases of the tall octagonal pillars were found to be cylindrical and massy. In the middle of the chapel, between the high altar and the east window, was the sepulchre of a person whose head had been severed from his body and placed on his breast; and a few feet below, apparently, the groining of the crypt, which I have several reasons for supposing exists under this portion of the church.

It is only necessary, I trust, to add to these remarks, that, on the decease of Mrs. Lawrence in July, 1845, the site of the Abbey of Fountains, with many invaluable adjacent possessions, became by the provisions of her will, the property of the Right Hon. the Earl de Grey; whose thorough and critical acquaintance with architectural science, and just appreciation of the treasures of ancient art, must render assurance unnecessary—independent of his high position as President of the Institute of British Architects—that on a proper representation of the circumstances I have recited, and many of which have not been presented to his notice, the result cannot but be satisfactory to that numerous and daily increasing class of the community, who feel interested in the conservation of our inestimable national antiquities.

J. R. WALBRAN.

*Fall Croft, Ripon, October 6th, 1846.*

## VI.—ON THE EXCAVATIONS NOW IN PROGRESS AT FOUNTAINS ABBEY, WITH SOME REMARKS ON THE EARLY HISTORY OF THE MONASTERY.

Read at the Joint Meeting of the Architectural Societies of Yorkshire and Lincolnshire, at Ripon, June 17, 1851. By JOHN RICHARD WALBRAN.

Of the several institutions which have been the agents of civilization, few have exercised, in this country, a more important and lasting influence than the Monastic system, which, though historically recognised in its ultimate tendency and result, has not been generally understood in operation and detail so well as the subject has allowed and deserved. Germinated from the enthusiastic devotion of individuals who endured, in austerest solitude, those self-inflicted sufferings by which they hoped to work out their salvation, it quickly engaged, far and wide, the sympathies of the broken in spirit, the contemplative, the aged, the studious, and the melancholy; indeed, all of those who, from extreme sensibility or morbid idiosyncrasy, sought retirement from contention with the world, or an escape from those scenes of outrage and violence to which the earlier stages of society were continually exposed. The famed piety of its early members, and the peculiar spiritual blessings which they professed to have acquired, soon drew within its influence those who could believe that by the sacrifice of worldly substance they would be rewarded an hundred-fold in the glory of heaven; and in this country, more particularly after the reformation of society at the Norman conquest, it became a vast organization, divided into orders, enriched with manors, and lands, and princely houses; armed with great secular authority, and blessed with the most boundless means of diffusing social blessings, from the respective establishments that had arisen throughout the land. They were, in many of our now smiling vales, the first patient tillers of the uncultivated soil; they first ameliorated the condition of the English slave; they raised and fostered on their estates a contented and honest yeomanry, whose happy influence was felt when that of their patrons was no more; they exhibited and maintained before a rude, yet not heedless population, that ever-ennobling spectacle of abstraction from the world, and devotion to the spiritual and the unseeen; they subdued the uncouthness and rebuked the passions of the warrior knights and squires who often gathered in their festive halls; they fed the crowds of poor who stood daily at their gates, asking only in the name of Christ; and besides contributing, by the erection and renewal of their houses,

to promote architectural science with its ancillary arts, they claim the everlasting gratitude of mankind for preserving that sacred lamp of learning and of truth which would have been extinguished in the whirlwinds that might rage everywhere but within their walls. Like every other agent in the development of civilization, its purpose was at last accomplished; its end was determined and fulfilled. The facility of communicating men's thoughts, by the new art of printing, had awakened inquiry, and arguments, and propositions, which the monks could neither defend, nor explain, nor resist. The subjugation of the baronial power, and the dispersion of property that followed the wars of the Roses, were creating a class of small but ambitious, and therefore jealous, landowners. Commerce, with all its antagonism with feudal and prescriptive rights, had begun vigourously to develope itself. Luxury and riches had long enervated and perverted the spirit and influence of the system itself; so that, when king Henry had silenced the magnates of the land, by participation in his spoil, it engaged so imperfectly the general sympathy of the people, that it was naturally and readily dissolved, leaving only, as its most obvious and visible exponents, those mighty and triumphant structures, of which the subject of our present consideration stands, unquestionably and prominently, the chief.

As early, at least, as the seventh century, the monastic system was introduced into Yorkshire, and during the Saxon times influential institutions were maintained at Ripon, Whitby, Lastingham, and elsewhere. After the banishment of the Culdees, they followed the rule which had been established and ordained by St. Benedict, and was the common rule of the time. But this, like every other human institution, had become, in process of time, considerably relaxed; and in that great movement of the human mind which occurred in the twelfth century, it was recalled to its pristine austerity, chiefly through the energy of St. Bernard; and an establishment, thus regulated, was formed at Cistaux, or, as it was writien in Latin, Cistercium, in Burgundy. It is not, of course, necessary to detail here the duties and observances it required, but I may remark, that among other reversions to primitive practice, the sites of monasteries were directed to be chosen in situations apart from the busy haunts of men, and in rural places suitable for meditation and seclusion. Thus, while the great Benedictine abbeys which were founded or established after the conquest were placed in or near manor places or towns—as the Abbey of St. Mary, at York, the Abbey of St. Hilda, at Whitby, and others—the Cistercians systematically

sought the banks of the rivers or the picturesque seclusion of the vales. Hence, by a process as natural as it was beautiful, the monks of Rivaulx named their noble house from its situation in the vale of Rie; the monks of Jorevol, or Jervaulx, from their settlement in the vale of the Yore; thus also Basedale derived its name. The derivation of Fountains has been questioned. Dr. Whitaker asserts[1] that the first name assigned to the house was the Abbey of Skelldale, and that the meaning of Skell not being then entirely obsolete, the monks translated it *de Fontibus*, a name which, when the original one was forgotten, was re-translated Fountains. But this position is neither corroborated by the instrument of foundation, nor by any other charter of the house, and it seems more probable that observation of the numerous springs that gush out copiously in the abbey dale suggested to the simple-minded founders the elegant and appropriate name it has borne. Sometimes a particular natural object bestowed a name, as Roche Abbey, from the adjacent rocks; Salley, from the field of Sallows. Yet this was not a rule of general application: for the Cistercian houses of Yorkshire, Byland, Meux, Sinningthwaite, Esholt, Hampol, Swine, Hutton, Appleton, Keldholm, and Wickham, were merely named from the manor or place in which they stood. This Cistercian or reformed rule, which the marvellous influence of St. Bernard spread over Christendom, was introduced into Yorkshire in the year 1131, when the Abbey of Rivaulx was founded. Yet, before this society was organized, its spirit had manifested itself in the great Benedictine Abbey of St. Mary, at York, and certain of its inmates, among whom was the prior of the house, were so far discontented with the laxity of the establishment, as to withdraw themselves entirely from it. Without money, without a a home, without any earthly possession save the vestments which they wore, these enthusiastic men felt, for a time, all the malignant influence of a dominant ecclesiastical society, and the anchorite's cell or a foreign home would doubtless have been their doom, if the prior had not been intimately acquainted with Thurstan, the Archbishop of York. This great and good man took the thirteen monks into his house, and even attempted, though fruitlessly, to visit the abbey in their behalf. At length, having determined to celebrate the Christmas of 1131 at his manor of Ripon, he selected, on the 27th of December, a shelter for them in the little vale of Skell, about three miles from the town, secluded enough to satisfy the most ascetic fancy, since

(1) History of Craven. Second edition, p. 202.

the monks afterwards recorded that it was full of reptiles and brushwood, and more fit for the habitation of beasts than of men. Hither, however, he sent them; and with what feelings this little "band of hope" crept under the trees, when that first winter night left them in darkness—homeless, penniless, all but hopeless—by the side of the little brook, bubbling on then as now—can be known only to Him in whose contemplation they were so entirely absorbed, and to whose service they were so intensely devoted. Day by day, through that dreary winter, through the next gay and life-inspiring spring, these stout-hearted men wrestled with their lot; living in thatched huts under the trees and rocks, depending for food on the morsel of bread sent to them from the archbishop, aud drinking, in common with the beasts of the field, from the adjacent stream. In the chronicle of the house, that was written by one of the sufferers,[1] it is said that an elm tree, which stood in the midst of the valley, and is otherwise known to have existed at the dissolution of the abbey, was their chief shelter; but the tradition of the country points out also some yew trees, that still survive, on a little knoll, to the south-west of the abbey; and since they have assuredly looked on the face of fifteen hundred years, it is not improbable that the monks availed themselves of their friendly shelter in the winter. During this period, their devotional exercises were not, apparently, regulated implicitly either by the rule of St Benedict, which they had formerly professed, or by the Cistercian rule; for it was only after they had been here six or eight months that they agreed to adopt the severer discipline, and sent two brethren to Clarevall, to ask the advice and counsel of St. Bernard as to the institution of their monastery. The good father returned them a letter of most comfortable encouragement, and also sent a member of his own house to instruct them both in the spiritual as well as in the secular affairs of their undertaking. Ten new brethren now became associated to them; but still sympathy was unaccompanied by the contribution of temporal wealth, and at length they were reduced to the most severe distress. The detail of their sufferings, left on record in the chronicle of the house, is most pathetic and affecting. The abbot wandered vainly about the country in search of food for himself and his famishing brethren, neither had he anything wherewith to buy. To leave the place was most painful to them; to sit in solitude, destitute of food, was impossible. Yet, clinging to their situation and their resolve, they were even con-

(1) De Orig. Monasterij de Fontibus. Mon. Ang. vol. i. pp. 733—752.

strained, at last, to subsist on the boiled leaves of trees and herbs, rendered eatable only by the addition of a little salt.

Under these privations, the brethren dwelt in the little vale for two years, and until their establishment seemed entirely hopeless. Despairing therefore of permanent success, the good and wise abbot Richard went, at last, over sea, to St. Bernard, at Clarevall, to inform him of the condition of the society; and to pray for admission into his establishment. To this proposition the father of the order acceeded, and assigned them a situation in one of the granges of his monastery. But the tide of their suffering was at its height; for, while the abbot was sojourning in France, Hugh, dean of St. Peter's, at York, a man of great influence and riches, and one of those who accompanied Thurstan in his ineffectual visitation of St. Mary's Abbey, determined to join the brotherhood, and came to Fountains, bringing with him not only great treasure of money and goods, but an invaluable collection of books, of which he had been an industrious collector. The example of such a man—who may equitably be regarded as the founder of the house—could not fail to operate. Soon after, Serlo, a canon of York Minster, who likewise had shown his sympathy with our brethren by aiding Thurstan in his visitation, being on the point of death, was brought hither, with a great amount of personal property. Tosti, also, a rich fellow canon, now joined the society; and, ere long, the men of the surrounding country, who had driven the brethren from their doors, when the food and shelter of their cattle would have been received with gratitude, as a luxury, were striving, by the reckless sacrifice of their patrimony, to be remembered in their prayers, and to rest beside their altars.

The wealth and influence of the house soon became as great as it had originally been limited. Before the close of the twelfth century, and within seventy years after the settlement of the monks under the trees and rocks, all the buildings of the monastery had been erected; and, even in the beginning of the next century, when the country was involved in famine and military warfare, the stout-hearted abbot of that day rebuilt the choir and Lady Chapel; and then, I apprehend, began that extraordinary structure of which I am more especially to speak on the present occasion.

But, since it is an innate principle of sincere men to diffuse any good they may have obtained, the best test of the vitality of any association must be the amount and value of its missionary operations, and it is pleasing to find, that while these men

adorned the lamp they forgot not the light. Within twenty years after their settlement at Fountains, seven monasteries had been founded at their suggestion, and received their first establishment of inmates from this place. Newminster, in Northumberland, was, as they termed it, their eldest daughter; and thence, again, shortly went out monks for the foundation of Pipewell in Northamptonshire, Sawley in Craven, and Roche in the West Riding of this county.[1] Kirkstede Abbey, in Lincolnshire,[2] and Kirkstall Abbey, near Leeds,[3] were founded by the counsel of the abbot of Fountains. The abbeys of Louth-park[4] and Vaudey[5] in Lincolnshire, Woburn in Bedfordshire,[6] and Melsa[7] in Holderness, were all colonized and constructed by men from this celebrated institution—facts that should be remembered whilst viewing or investigating their remains. The fame of the house even brought hither, in the year 1146, a Norwegian bishop, who persuaded a requisite number of the monks to accompany him to his own country, where they founded a monastery at Lisa, which became a great blessing to the barbarous people.

It is unnecessary to continue these remarks, premised only for those unacquainted with the early position and influence of the house; or to enter on that general explanation of the structure, which will be better understood when we shall have adjourned to the spot. Before, however, I narrate the discoveries that have recently added so much to the interest of the abbey, it will be convenient to give a brief history of the building since it was desecrated and left to decay, and to allude to circumstances that have retarded the discovery until the present time.

At the period, then, of the Reformation, the Abbey of Fountains was one of the most noble and extensive structures, as well as one of the most influential and wealthy foundations in the kingdom. The far-famed sanctity of its earliest members had placed such an amount of temporal wealth at their disposal, as to have enabled them to determine the original plan and proportions of the house on the grandest scale; while the solidity of the Norman style, in which it was constructed, secured them against hasty reform or considerable decay. As they were designed so they remained, with few exceptions, until the time when the institution was dissolved. After the surrender of the

(1) Mon. Ang. vol. i. p. 801.
(2) Ibid. 806.
(3) Ibid. 755.
(4) Ibid. 805.
(5) Ibid. 831.
(6) Ibid. 828.
(7) Ibid. 793.

abbey, in November, 1539, the building escaped immediate and wilful violence, and, generally speaking, little more than the roofs, glass, and internal fittings and furniture, were removed. Soon after the expulsion of the monks, and on the 1st of October, 1540, the king granted the site of the house and many of its possessions to Sir Richard Gresham, of London, whose tenants had no occasion to convert it into a quarry, while its sequestered situation protected it from the mischievous hands of the people of Ripon and the adjacent country. In 1596, it was sold by Gresham's family, to Stephen, afterwards Sir Stephen Procter, of Warsal, in the parish of Ripon, who, being attracted by the beauty of the site, resolved, a few years after, to fix his future residence here. The abbot's house, however, had either become so dilapidated, by fifty years of neglect, or so objectionable and offensive in its arrangement to the taste of the man, or of his times, that a new site was chosen, a few hundred yards west of the abbey, and a mansion erected, whose venerable and picturesque appearance now accords so well with the seclusion and tranquillity of the scene around, as considerably to mitigate the regret with which we must contemplate the spoliation it has occasioned. In a valuation and description of the estate,[1] made, perhaps, twenty years afterwards, it is said that this house cost nearly 3000*l.*, notwithstanding the "opportunitie of stone got at hand out of the abbey wall;" the inference being certain, that the abbot's house was that part of the edifice whence the chief portion of it was obtained. After a life of ambitious speculation, pursued with so little rectitude of conduct as to have been visited by legal punishment and parliamentary censure, Procter, sinking deeper and deeper in debt, and harassed by London moneylenders, died, before the year 1619, leaving his last delusive hope inscribed above the portal of his hall, RIEN TROVANT GAINERAY TOVT. The abbey estate, mortgaged, statute-stapled, and encumbered in every conceivable manner, then passed quickly through the hands of various speculators or land jobbers, none of whom resided on the spot, or, of course, were interested in the preservation of the ruins, until the middle of the seventeenth century, when it was carried, by an heiress, into the respectable family of Messenger, of Newsham, who adhered to the Roman Catholic faith, and ever after their acquisition of the estate resided at Fountains Hall. During their possession, and in the year 1682, Thoresby, the historian of Leeds, saw it, "full of trees in the very body of it," and in this condition it appears to have remained,

(1) Harl. MS. 6853, p. 451.

until John Michael Messenger, Esq., was prevailed on, by persuasion which he most painfully and ceaselessly regretted until his death, to dispose of it, in 1767, to William Aislabie, Esq., owner of the adjacent estate of Studley Royal. Mr. Aislabie had long coveted the inclusion of the abbey in the celebrated pleasure-grounds which his father had formed adjacent to the site, and his acquisition of it has not only been fortunate for himself or his successors, but for all lovers of antiquity or of art; since the wealth and liberality of the house of Studley have secured all the attention which the gradual decay or casual accidents of so vast a pile constantly demand; and its inclusion in that far-famed domain has protected it from wanton injury and desecration. Unfortunately, however, instead of contenting himself with the sufficiently arduous task of mitigating the formal character of the scene through which the abbey and its untutored sylvan accessories were to be approached, he attempted, in the wretched fashion of his time, to assimilate the remains of one of our most majestic and imposing monuments of the intelligence and piety of the past, with the trim neatness of terraces and statues, formal avenues, shaven hedges, mock temples, and gay parterres; to root up fragments of the building, which he fancied had never been connected; to supply what he thought was wanting; to make the crooked straight, and the rough plain. The tourist Gilpin, of Boldre, visited the abbey when these operations were in progress, and in his "Observations relative chiefly to picturesque beauty made in the year 1773," has left on them this just and indignant commentary. "A few fragments scattered around the body of a ruin are proper and picturesque. They are proper, because they account for what is defaced, and they are picturesque, because they unite the principal part with the ground; in which union the beauty of composition, in a great measure, depends. But here they were thought rough and unsightly, and fell a sacrifice to neatness. Even the court of justice was not spared, though a fragment, probably as beautiful as it was curious."

Mr. Gilpin was, certainly, mistaken in his appropriation of the building to which this tantalizing passage alludes, for "the hall of pleas," in which the court of the Liberty of Fountains was held, within memory, still remains entire, and with all the characteristics of its purpose, above the kitchen, in the abbey.

"In the room of these detached parts," continues Mr. Gilpin, "which are the proper and picturesque embellishments of the scene, a gaudy temple is erected, and other trumpery, wholly foreign to it."

"But not only is the scene defaced, and *the outworks of the ruin violently torn away, the main body of the ruin itself* is at this very time under the alarming hand of decoration."

"When the present proprietor made his purchase, he found this whole mass of ruin—the cloisters, the abbey church, and the hall (by which I suppose is meant either the chapter house or the refectory) choked with rubbish. The first work, therefore, was to clear and open. And something of this kind might have been done with propriety for we see ruins sometimes so choked that no view of them can be obtained." . . . . .

"But the restoration of parts is not enough; ornament must be added: and such incongruous ornaments as disgrace the scene are disgracing also the monastery. The monk's garden (that is the cloister court) is turned into a trim parterre, and planted with flowering shrubs; a view is opened through the great (east) window to a ridiculous—I know not what—Anne Boleyn,[1] I think they call it—that is planted in the valley; and in the central part of the abbey, a circular pedestal is raised out of the fragments of the old pavement, on which is erected a mutilated heathen statue.[2]

From these remarks, which are too fully corroborated by evidence on the spot, it seems that Mr. Aislabie's chief object was not merely to obtain an uniform and level surface in and around the building, but also to subdue, remove, or conceal, such portions of the walls as, either by poverty of elevation, rudeness of form, or fragmentary connexion, could not be grouped with the main fabric. Thus, among other operations which cannot here be particularly defined, it is stated, in the "Gentleman's Magazine" for 1820, that a portion of the pillars of the choir were actually *pulled down*, the superincumbent clerestory having fallen long before. It is probable that he removed also the greatest part of the reredos of the high altar, of which a great portion appears in an unmeaning gallery which he erected under the great east window of the Lady Chapel, and the rest scattered in different apartments of the abbey. But an injury, still more lamentable, was occasioned by the indiscriminate disposal of the rubbish with which every part of the building was filled. For, having removed a large portion of it for the formation of walks connecting the abbey with the garden, and the reduction of broken ground and intractable foundations around the exterior,

(1) A rude, but very singular, white marble effigy, now laid in "the Mowbray Chapel," in the Abbey.

(2) Part of one of the Arundelian Marbles, of which several fragments were found by Mr. Aislabie, in the cellar of his house in Norfolk-street, London, the site of the great collector's garden.

he brought the rest to a common level in each apartment or division of the fabric, and covered all with one oblivious sward. Not only were pavements, sepulchral monuments, bases of columns, indications of altars, chantry-chapels, screens, and many other interesting objects and arrangements thus entirely concealed, but the principal constituent members of the structure were robbed of their graceful proportion and lofty elevation, and they have since been viewed, together with the general effect which they pervade, from a false and artificial level. The bases of the great Norman columns of the nave were, then, wholly sunk; the platform of the choir confounded with the aisles depressed on each side; the arcade of the great cloister court levelled with the quadrangle within its enclosure; an artificial platform was intruded into the refectory;—in short, for the eye of one not conversant with the fabric, doubts, anomalies, and falsities were created, which have become alike difficult to be corrected or to be comprehended. The restoration of the true level is, indeed, still practicable; but a great portion of the valuable evidence to be derived, during an original excavation, has been thus irrecoverably lost. Yet, after all, it is consolatory to reflect that, in these operations, Mr. Aislabie often declined the officious advice of Kent and Brown, and that a more complete excavation did not take place at a time when there was neither inclination to observe nor ability to record the results.

After the decease of Mr. Aislabie, many of the absurdities he had perpetrated were considerably modified, or gradually suppressed; but no reduction or investigation of the rubbish was attempted, till 1790, when Mr. John Martin, of Ripon, anxious to discover the tombs of the abbots, said in "Burton's Monasticon" to have been buried in the chapter-house, persuaded the gardener of Mrs. Allanson, the non-resident proprietress, to institute a search, which led to the clearance of that apartment. This, however, was but the exchange of one evil for another; for though the tombs and the bases of the columns of the aisles were discovered, yet the preservation of the very curious Early English pavements was neglected, and the rubbish and remains of the vault merely transferred to the exterior of the building, which, until the last few weeks, consequently lost seven feet of its elevation.

Such was the treatment which the abbey had received within the period of recollection. During its possession by Mrs. Lawrence, from 1808 to 1845, many necessary and extensive repairs were supplied by a prompt and liberal hand. Among

other works which the antiquary and architect will remember with gratitude and satisfaction, were the substantial repair of the great tower from the top to the bottom; the renewal of the transverse arches of the side aisles of the nave; the reconstruction of a great portion of the groining of the western cloisters that fell in the year 1822; and the application of an impervious floor to the roofless dormitory, whereby the cloisters below—three hundred feet in length—were fortified against the percolation of the water that imminently threatened their destruction. Meanwhile, however, the velvet surface of the sward within and around the walls never induced suspicion of the wreck that existed below; and even when an accumulation of rubbish was removed from the inside of the tower, the south aisle of the nave, the frater house, and other parts of the building, the old fictitious level was scrupulously maintained. Indeed, the antiquary searching diligently for portions of the structure which he was, inferentially, assured must have existed, could never have dreamed, as he gazed on the verdant lawn that disappointed his inquiry, that, even then, he was standing on the spot, with doorways, and windows, and massy walls, often sunk eight feet below.

Among other places on the south side of the abbey, where the natural dip of the valley towards the river particularly favoured the accumulation of rubbish, without offence or suspicion to a careless eye, was one especially, at the south-east angle of the Lady Chapel, occupying a space about 300 ft. long and 180 wide, partly gained by covering the river Skell with four arches or tunnels, which have been immemorially matted over with trees and brushwood. From a general plan of arrangement evident in the Cistercian houses, supported by particular local inferences, derived from the records of the abbey, I have been induced, for some years past, to point out this as the site of the abbot's house, in opposition to the received idea that the hospitium, on the western side of the new cloister, had been appropriated to that purpose, and stated my reasons for this belief to the members of the Archæological Institute who visited the abbey in July, 1846. Beyond this, however, nothing was proposed or ascertained until November, 1848, when the Earl de Grey, who, fortunately for the lovers of antiquity, has recently come into possession of the abbey, directed that a portion of the watercourses or tunnels, which had fallen many years ago, should be repaired. The removal of part of the superincumbent soil being consequently necessary, a fragment of an Early English pavement was discovered, which indicated the important character of

the ruined mass, and, in some degree, corroborated the position I had maintained.

After some further trial of the rubbish, which varied in depth from three to six feet, his lordship immediately directed that an excavation of the whole site of the house should be undertaken. During its progress, it soon became evident, that when Proctor had required materials for the erection of Fountains Hall, in the time of James I., the whole of the noble pile had been pulled down as near the foundations as the rubbish accumulated in the work of destruction would allow. In several places, indeed, the foundation had been reached, and no elevation of masonry suffered to remain that rose above the height of four or five feet. Even the floors were torn up, and nothing was intentionally left on the site except such stones as, from their quality, form, or size, were unfit for further use. As the jambs of the doors and windows, groining ribs, brackets, string courses, and other ornamental portions of the building were, doubtless, best adapted to form grout work in the construction of the new hall, no particular traces of these ravages can be observed there, unless the string course, above the lowest tier of windows, has been removed from some Tudor portion of the older edifice.

For those who can recall his sad eventful history, whose restless ambition thus ravaged hearth and altar alike, it is difficult, while contemplating the wreck of this ancient home, where, for three centuries, so much worth reposed, and benevolence and hospitality were diffused, to forget that a woe hath been denounced against him that "buildeth his house by iniquity and his chambers by wrong," or to solve, antipapally, that motto on his purchase-deed of the estate, "HODIE MIHI, CRAS TIBI."

As far as remains enable us to judge, the building of this noble house was undertaken by the Abbot John de Cancia, who sat from 1219 to 1247, after he had completed the choir and Lady Chapel of the Conventual Church. We cannot, of course, conclude, merely from his name—derived, doubtless, from the county whence he came—that he had studied architecture in the school of Canterbury, but the fact that he was elected to the abbacy when abbot John was elevated to the see of Ely, and the building of the choir was then the great work of the house, is not worthless testimony to the fame of his acquirements. It is certain, however, from records of the abbey, that he finished the choir and Lady Chapel, and laid down the "*pictum pavimentum*" of the church; that he erected also the new cloister, the infirmary, and the houses for the entertainment of wayfarers—

works which still remain to challenge for him a high position among the best architects of his time. I have seen all that remains of him in his grave, and if the principles of the phrenologists may be received, his skull exhibits corresponding evidence of his intellect and benevolence. During the time in which this great man presided over the house its wealth and reputation were nearly at their height, and the sweeping donations it had received from the Percys, and Mowbrays, and Romilles, together with the immunities and franchises it had gained from popes and kings, had enabled its inmates to realize their architectural designs on the largest scale. Until this time, when the buildings of the monastery only were completed, the abbot was perhaps satisfied with a residence of wood and plaster, as, indeed, the lodgings of the Prior of Bolton seem to have remained to the time of the Reformation.

The ruins of the house are situated at the south-east angle of the Lady Chapel—a situation dictated, apparently, by a general regulation, but unlikely, in this instance, either to promote cheerfulness or contentment in its inmates. They enjoyed, indeed, a few glimpses of the morning sun; but during the rest of the day were doomed to the sombre shade of the wooded steep which rose far above their roof; and the glorious sunsets down the picturesque Skell—worth the pilgrimage of many a mile to behold—were shut out by the lofty buildings of the convent that filled the bosom of the valley. This particular situation, however, was not obtained without an immense outlay of time and labour; for Skelldale being, at this point, extremely contracted, and the river incapable of diversion, the only resource of the monks was to construct the house *above* the river, and four parallel tunnels or water courses, supporting the foundations, still attest their perseverance and skill.

With an inconsiderable exception, the whole house rested on these tunnels, each arch being ten feet high and as many wide. Their original direction, occasioned by the very precipitous character of the southern bank of the river, is north-east, for the space of about seventy feet; but they then turn full east, and so continue for the space of 197 feet and upwards, for the extremities are broken down. The main walls of the house were arranged with reference to the piers of these tunnels, the influence being particularly visible in the ground plan of the Refectory and adjacent apartments. The sides of these tunnels, based, like some parts of the abbey, on a rock, are of good ashlar work; but their semicircular arches are constructed of coursed rubble, and

recently have required much repair, in consequence of the percolation of moisture and the vibration of large trees above. But though the construction of the house above the river might originally be attended with inconvenience, yet the facilities of drainage, ventilation, and cleanliness, were not the least advantages it acquired; and there are, consequently, many apertures and communications from the ground floor to the river, though their purpose has not been uniform, as I will show when I describe the localities where they are found.

The character of the abbot's house, like that of the abbey, has been plain and substantial, depending more on the amount and combination of the main outlines than on the elaborate decoration of parts. In amplitude of dimension, indeed, it far exceeded it; and at the time of its foundation was probably the most spacious house in the kingdom, erected irrespective of military occupation or defence. To this general immunity from assault, and freedom from combination with agricultural buildings, rather than the restricted capability of its site, may be attributed that disregard of a concentric or quadrangular arrangement which suggested a ground plan, having more respect to a Guild or Common-hall, not obnoxious to military assault, than to the embattled houses in which the feudal contemporaries and associates of the abbots were compelled to seek defence and security, in the turbulence of the times. It may be, therefore, both from its extent and antiquity, the most interesting example of a class of houses, hitherto insufficiently recognised in the history of our domestic architecture, of which, however few exist even in tolerable perfection, yet many would contribute, by the excavation of their ruins, to the history of architectural and social progress, as well as to the interest of the conventual structures to which they have appertained.

The ground plan will explain the arrangement of the house and its connexion with the abbey better than any verbal description I can adopt; and I need only add that it must either have been very commodious, or the domestic economy invariable, for it seems to have remained unaltered until that era of social change which heralded the sixteenth century, when one of those architectural reformers of the house—Abbot Darnton or Huby—built a spacious Refectory, and formed several apartments, by dividing the aisles of the great hall, which decreased simplicity of manners had rendered of unnecessary dimensions.

According to the usual Cistercian arrangement, dictated by the necessity of easy and immediate communication with the

monastery, and enforced, in this instance, by the peculiar contraction of the site, the chief, or state approach to the house was from the east side of the cloister court of the abbey. The intervention of the base court, with its unsightly accompaniments, demanding the deference of dignity to convenience, the communication was effected by a corridor, which reeling towards the south, in consequence of its junction at right angles with the house, faced a plain but once curiously painted doorway of the frater-house, instead of that which led to it from the cloister-court, and occasioned a space between it and the chapter-house, so slovenly kept that an ash-heap was found there at the time of the excavation. After entering the house, the passage assumed a somewhat more spacious character, and, at least on the upper south and lower north side, was lighted and enriched, like the corridor, by an open, Early English, trefoil-headed arcade, supported on double cylindrical shafts, placed one above the other, on a plain flat base, not coursed, on the south side indeed, horizontally, but with reference to the swift inclination of the floor. At a subsequent period, however, doubt has been entertained of the security of the superstructure; and, besides the application of external support, the void space has been filled at intervals with masonry, on a plane with the centre of the inner shafts. This work, of which a tolerably perfect member remains only, on a kind of level half pace at the north-western extremity, must have been one of the most remarkable features of the house: indeed if it was erected, as I presume, by John de Cancia, it probably was suggested to him by the now unique staircase to the guest-hall at Canterbury, which, however, it must have far exceeded, both in length, reduplication of parts, and picturesque effect, occasioned by irregular insertion of the lights. To the aged and infirm occupants of the house, this ascent, amounting in the whole length of the passage to not less than seven feet, and caused by the elevation of the abbot's residence above the river, has presented, at least, no annoyance by the intervention of steps; for though its pavement has not been discovered, the substratum, and the base-line of the arcade proved that it had been only regulated by an inclined plane. Nearly midway the passage, another branches from it, northward, towards the Lady Chapel of the Abbey Church, opposite to which an equally capacious doorway opened into a space used at the time of the dissolution as a coal yard, but bearing evidence in its alteration and contraction that it was thus only intended to serve a subsequent arrangement.

The hall, or principal room of the house, to which this passage led, has been, unquestionably, one of the most spacious and magnificent apartments ever erected in this kingdom; and admirably adapted for the reception of those distinguished barons and their hosts of gentilitial retainers, by whom the abbot was continually visited, and of whose individual presence we have innumerable proofs in the charters and account-books of the abbey. Of this we have triumphant evidence in the fact, that while the hall in the royal palace at Winchester, which was erected at the same period, included the space of 111 ft. by 55 ft. 9 in., and the king likewise directed that the hall in Dublin Castle should contain 120 ft. in length, and 80 ft. in width, the dimension of this hitherto long forgotten hall of the Abbot of Fountains extended to not less than 170 ft. by 70 ft.; a capacity created, doubtless, rather in satisfaction of the magnificent mind of the founder, than respective of the grand scale of the monastery, or even of the emergency of any purpose to which it could be applied. But not only in the tedious route or the enjoyment of the chace there gathered in this princely hall, Percy and Mowbray, Nevill and Scroop, Marmion and Fitzhugh, Lacy and Romille, Markenfield, Norton, Mallory and Mauleverer, and the bearer of many a noble name still sounding like trumpet music in the antiquary's ear—leaving their noisy followers, when the bounteous repast was followed by retirement and repose, to select their beds on the straw-strewn floor; for when monastic austerity admitted of mirthful relaxation, how often did not its walls resound with the jocund applause that greeted the feats of mimics and jesters, or with the strains of the errant minstrel, that never turned to a monastic home without the assurance of a welcome and liberal reception.

It is, therefore, especially painful to find that of a structure that would have been in every respect so deeply interesting, could we have seen it even in desolation and decay, little more should now remain than the foundation. The north end of it is level with the sward; a great portion of the west side is scarcely more apparent, and the rest entirely destroyed by the lapse of the river arch below. On the east and south little more than three or four courses remain. Nevertheless, as the ground plan may be easily defined, and important fragments of the superstructure were found within the area, a tolerably accurate idea of its former appearance can be obtained. It has occupied the whole width of the house from north to south, and like the great Norman halls, was divided by pillars into a nave and side aisles, the latter

having circulated round the extremities of the former—a peculiarity not introduced in the king's hall at Winchester, nor in any other house of the period that we are acquainted with, though observable in the eastern and of some conventual churches during the first stage of the Early English style. Each of these pillars, of which there were seven on each side, independent of the corner piers, was a cylinder of thirteen inches in diameter, resting on a square base two feet high, and, together with the four attached marble shafts, was banded with the same material in an elegant manner, to which the rudely foliated capitals of grit stone insufficiently corresponded. Of the arches, which were no doubt pointed, few fragments are left, though sufficient to show the character of the mouldings. The number and position of the lateral windows cannot, unfortunately, be determined by reference to these intercolumniations, in consequence of the irregular abutment of the other apartments; nor is there sufficient evidence of their particular form—though, from some fragments found within the area, and in the utter absence of those transomed lights used in halls during this and part of the succeeding century, it is not improbable that they were plain shafted lancets, similar to those which John de Cancia introduced in the Lady Chapel of the Abbey Church. At the south end, indeed, we found the head of one of those double lancets surmounted by a circular aperture used during the Early English period, but it has probably occupied an exceptional place, even if it belonged to this part of the building at all. Of the other parts of the superstructure there is no trace, unless a few stones bearing the mask-like ornament have formed part of a cornice under the parapet.

The chief entrance to the great hall has been torn down to the ground, but the solitary base of the jamb, on the north side, shows it to have been flanked by four cylindrical shafts, with semi-octagonal bases; so that we may readily judge of its appearance, either from those of the Lady Chapel, or that of the refectory of the abbey. But though this was the chief entrance, it is a singular feature in the arrangement of the house, that it was the only one by which access could be immediately had to the greater number, and perhaps originally, to all the apartments—a provision that may be thought less indicative of defence than of strict supervision of the inmates, by those who remember how frequently the ancient satirists allude to the abuse of the back doors and private posterns of the monasteries. Even the kitchen had no outer door, though a flagged path has been found leading across the adjacent bank, from the west, towards it.

The nave of the great hall, has, apparently, never been curtailed of its length; but, in the Tudor period, when a changed condition of society occasioned the erection of a separate refectory, and required the convenience of private apartments, several rooms were formed in the aisles, as may be, partially, traced by the foundation of the partitions. Their particular position will be best ascertained from the plan now exhibited; but I may remark that, judging from the superior style and size of the fireplace in that which occupies the south-east angle, it was probably used as a parlour by the abbot; and that the floor of that which adjoins the staircase was elevated about two feet above the level of the hall, and partly paved with encaustic tiles; but was, in the absence of sufficient direction, destroyed by the workmen, in their usual anxiety for a uniformity of surface. After the formation of these apartments, it seems, also, they were insufficiently served by the narrow windows of the hall, from the square heads of some Tudor lights that were found within. To those at each angle of the southern extremity a small chamber or closet was attached *outside* the wall, which, consequently, has been pierced for the entrances; a fact, which leads me to suppose, that they were used as gard-robes, since there was, apparently, sufficient space otherwise available within the hall, and an ash-heap or dunghill was found enclosed behind that on the west side. But so little, indeed, was this noble apartment appreciated, at the last, that the two compartments behind the detached fireplace, on the east side, were found filled with ashes and charred wood, at the time of the excavation. At the south end, likewise, and near the corner piers, are some fragments of rude wall that have been connected with these alterations, though for what particular purpose cannot now be ascertained: there was found here, too, a limestone trough, which, I am not prepared to say, has not been the alms trough, inasmuch as during the confusion consequent on the destruction of the house, it may have been removed hither from some other portion of the building.

This vast apartment seems only to have been warmed, originally, by three plain but capacious fireplaces—one in the middle of each end, and another isolated or detached from the wall, near the passage to the kitchen. In the apartments formed by its division, additional fireplaces of different sizes were inserted; but, with the exception that has been named, all so rudely, as to require no further observation than that, in one of those that have been lined with paving tiles, I found a specimen, with the pattern of a stag grazing, that has belonged to some elaborate design of the Perpendicular era.

Of what may have been the chimneys of the hall, there has been found only a large Tudor cap, and some fragments of two of the Early English period.

The other apartments of the house have been arranged on each side of the hall. In the eastern aisle, and immediately opposite the entrance, are a few steps of a staircase six feet seven inches wide, not spiral but straight in its direction, and probably a subsidiary work, leading to the abbot's chamber. Immediately behind it is an apartment on a lower level than the hall, used perhaps originally as a cellar, but for prudential reasons not yet cleared out. The next apartment, southward, though separated by a lobby or ante-room from the hall, was the domestic oratory or chapel—46½ feet by 23 feet. The foundations of a shallow buttress, on the south side—for the other was encumbered by the superstructure of the storehouse—suggest the idea of two lights, otherwise proved to have been inserted in pairs; and the base of a window that remains fixed, at the north-east corner, that at least three have occupied the eastern wall. From large portions of these windows, found among the rubbish, it appears that this part of the house was the last that was erected, and that John de Cancia did not probably witness its completion. The style is not only more fully developed, but the dog-tooth ornament, which never occurs in any of the extensive Early English buildings of the abbey, has been introduced here. The stone altar, though it has lost its slab, remains tolerably perfect on a low platform, that has apparently been paved either with large tiles, such as may be seen at the south-west corner of the hall, or slabs of marble ten inches square, alternating, in lozenge form, with white stones, of which some portions still remain attached to the wall. On its north side is a narrow staircase, in the thickness of the wall, that has led, probably, to the abbot's chamber, which may have been placed, and very eligibly, over the storehouses on the north side. Immediately to the west of this staircase door is the base of a work, introduced in the Perpendicular period, and from its size 9 feet by 2 feet, certainly neither part of an Easter sepulchre, nor of the analogium. Near it were found two carved stones, the one representing an heraldic tiger or griffin, chained—the other, a monkey sitting in the hollow of a cornice. On the opposite side of the chapel a shallow piscina, cut in a thin slab, was found detached upon the floor, near a small orifice communicating immediately with the river below.

On the north side of the chapel, but much below its level, is a picturesque apartment, 58ft. by 28ft., still partially vaulted;

and which, having been hitherto accessible, from the declivity of the ground, has often been delineated as a "crypt," though stoutly asserted by the country people to have been "the place where the abbot's six milk-white chariot horses were kept." "*Sex equi ad bigam*"—whatever that vehicle may have been—and "*Sex equi ad stabulum domini abbatis*," mentioned in an inventory of the live stock of the house at the time of its dissolution, may confirm this singular tradition to the ear; but, judging from the relative position and general appearance of the place, I am disposed to believe that it has been one of the domestic offices, and, particularly, the store-house of the establishment. It has, originally, had no communication with the house, but was entered by an independent door from the abbey-green, though subsequently, a smaller opening was made to a passage or space, at the east end of the chapel, which may have been connected with the kitchen and its offices. A portion of the groined roof of this apartment has fallen within recollection, but sufficient remains, in a single bay, to show that it was of the same character as that which John de Cancia adopted in the new cloister, and the store-house of the abbey, which exhibits the peculiarity of springing gracefully from the pillars, at a small elevation from the ground, without the intervention of abacus or capital. In this place, also, should be noticed two apertures or sinks, expanding in the south wall to the river tunnel on the other side; where, though their outlets are concealed from common observation, one of them—surmounted by a depressed arch—is finished in a manner not unbecoming an Early English fireplace.

Above this place—whatever it may have been—were, most likely, the apartments occupied specially by the abbot; and neither in seclusion from the noise and bustle of the house, nor in variety of prospect down the river dell, or beyond his garden towards the sunlit cliffs and noble buildings of the church, could a retirement have been found in such perfect harmony with a dignified monastic life, nor, let us hope, with the continual sympathies and associations of its occupants.

This range of building has extended so far east as to have included two other apartments; but, as their foundations are barely visible, we cannot satisfactorily conjecture to what use they have been applied.

In the original plan, a yard about 20ft. wide was introduced on the south side of the chapel, for the purpose of serving both it and the great hall with light; but, at a subsequent period, it

was enclosed for the use of the kitchen, as appeared by a large quantity of bones and ashes found within it. At the east end, however, a passage was reserved from the kitchen to what may have been the store-house, and another, which doubtless was covered, to the hall and a staircase, which has probably led over some rude rubble work near the chapel door, to the apartments of the abbot. Of the intent, however, of these and other such alterations about the house, traceable only by their foundations, it is now impossible to speak with certainty.

On the south side of this yard, and detached also originally from the great hall by the intervention of another, was the kitchen; an apartment corroborating in its dimension and appliances, the most romantic ideas of monastic hospitality. Indeed, in both respects, it much exceeded that which served the monastery, and measured not less than 50 by 38½ feet. Like the rest of the house, it has, unfortunately, been pulled down within a few courses of the ground; but from the presence and position of the buttresses, we may conclude that it has been vaulted, or more probably, was covered by a pyramidal roof. Neither of the one nor of the other, however, were any traces found in the rubbish, nor yet of windows, which, like those of most ancient kitchens, were doubtless placed at a considerable height in the wall. At the south side, are the foundations of two great fireplaces and a boiler, in a wall which has divided a narrow "back kitchen" from the chief apartment; and in the north-east angle a very singular stone grate in the floor, that has been covered by wooden doors, and communicated immediately with the river below. This very singular object, which, being divided by five mullions and a transom, resembles a prostrate Elizabethan window, is probably unique. Its use has, of course, been much disputed, but I can only suggest that it has been used as a ventilator, to mitigate a temperature which must have been always sufficiently oppressive, but which, on festive occasions, would not only be increased by a subsidiary fire and boiler, but also by two huge ovens, the well-worn floors of which will be observed at each end of the apartment.

These buildings, with some necessary appurtenances of the kitchen to the north-east, now irretrievably indefinite, have occupied the space on the east side of the great hall. The arrangement, on the west side, has been almost obliterated by the lapse of the watercourse below. There is to be seen, however, towards the northern extremity, the foundation of a very fine room, upwards of 60ft. in length, and 23ft. 9in. in width—

which, from the amplitude of its dimensions and the elevation of the dais at the west end, has evidently been the refectory. The few features that remain suggest that it has been erected, in the Tudor period, on the division of the great hall, and that it may be the same apartment, which, in a homage done to abbot Huby in 1501, was styled "*Nova camera versus ecclesiam.*" The dais at the upper end of the room, has a space 9ft. 3in. for the table, and another of 2ft. behind it for the bench; the elevation of each being about 9in., and ornamented on the face with a row of quatrefoils, which, having been cut in limestone, has nearly mouldered away since its exposure. On the south side of the dais has been a narrow doorway to a space abutting on the river, which may have been used as a garderobe after the erection of the refectory, and on the north, a doorway communicating with an apartment, most likely the buttery, now entirely destroyed. Some benches still remain attached to each side of the refectory, and some floor tiles, as will be subsequently mentioned.

On the south side of this room are six square but single apertures, each 2ft. 6in. wide, ranged side by side, along, or rather within the wall, and communicating perpendicularly with the river below. As the superstructure is here broken down to the foundation, we can derive no information from the manner in which they were connected with it, though they seem to have been covered with trap-doors, and in one case perhaps, if not in more, may have been open also to the apartment on the south side of the refectory. Most persons have at once declared these apertures, with another on the opposite side, to have been the orifices of garderobes, but, making every allowance for the simplicity and rudeness of ancient manners, it is utterly incredible that such conveniences would have been introduced so near, if not within, one of the chief apartments of the house. Since, however, two of them only remain open, and *the rest have been covered with the Tudor encaustic tiles of the floor*, it is highly probable that when the watercourse, in which they are inserted, was erected at the original foundation of the house, this may have been the use to which they were applied; but that when the refectory was erected on their site, those now open were retained for the discharge of foul water or other refuse matter from the dining-room and the buttery into the river. Towards the east end of the room, also, is an orifice in the floor, about a foot square, which has no doubt served to draw off the water with which the pavement was cleansed. There are two openings of this kind in the yard, on the south side of the chapel.

The east wall of the refectory has been torn down to the floor; but it seems that the fireplace was in the south-east angle, and at this end also has been the main entrance leading from a passage parallel with the great hall, which opens into the alley or cloister between the convent and the house. This passage, however, was probably formed, on the erection of the refectory, from one of the apartments that flanked and communicated with the hall, since it not only contains a fire-hearth, but is paved with tiles or large tesseræ of the Early English period.

From the west side of the passage we descend to a room, formed perhaps also in the Tudor period, where stood a reservoir of water, fed from a spring above the kitchen bank, and conducted under the pavement of the hall, by a lead pipe, seamed, of course, in the old clumsy manner, and still partly visible.

Beyond this was a yard, where the last supply of coal that the house had needed remained undisturbed under the sward, until the time of the excavation. When tried in the fire they proved of excellent quality, and, evidently, not being the produce of pits they might have sunk in Nidderdale, had very probably been brought from Relley,[1] in the county of Durham, a place which had been accustomed by the convent as early, at least, as the year 1458, and retained an unusual popularity even within recollection. In the same yard was found a large heap of ashes, cinders, and charred wood, just as they had been cast from a window in the enclosure on the east, the sill being worn down by the frequent attrition of the shovel.

The removal of the mass disclosed what every housekeeper's experience would have suggested. First, of course, there was a silver spoon, weighing about an ounce, with a capacious bowl, slender octagonal stem, and a head similar to an inverted Tudor bracket. Then broken pottery ware that had disappeared from the abbot's table, to the large coarse home-made jugs, that after many "a mere crack," had been broken in the kitchen; a small silver ornament in the shape of a lion's face, apparently detached from a larger object; a silver ring; a broad brass ring; a copper can; a sickle blade; several Nuremberg tokens; part of a small ornament in lead, resembling the tracery of a Tudor window, and proving the application of architectural forms to domestic utensils; a quantity of beef, mutton, pork, and venison bones, together with those of poultry, herons, and other game; with bushels of oyster, mussel, and cockle shells, as fresh and pearly as when they left abbot Bradley's table. Yet trifling and useless

(1) In exp' carr' ad Rale p. carbon'. vij*s*. viij*d*. *Compotus Thes.* Ao. 1458.

as many of these objects may be, they seemed, as they came from the hiding-place where forgotten hands had cast them, to connect the beholder with those whom three centuries had divided from his personal sympathy and association, more intimately than the massive walls and imposing works in whose common ruin they had so long been consigned to oblivion.

At the upper end of this yard other heaps of ashes were scattered, one, containing an unusual admixture of oyster-shells having been actually enclosed in a pit in front of a Norman doorway belonging to one of the offices of the abbey. In another, opposite, and next to the buttress of the great passage, was found, with some other scraps of pottery, the greater portion of two wide-mouthed, brown, earthenware jugs, that might easily have been considered of modern fabrication; two small pieces of blue-and-white delph, one, in the shape of a ring, having been the handle of a cup or such small vessel; some fragments of stained glass of the Early English period, which had been forced with its leadwork and iron stanchions from a window above; and, singularly enough, part of a crab's claw, which it might have been supposed could not have thus long resisted decomposition in the humid soil.

There was picked up, also, about this time, though in some rubbish outside the abbot's house, a fine impression in lead of the seal of Pope Innocent III., bearing, as usual, the heads of St. Peter and Paul, with the inscription SPASPE, and on the reverse, INNOCENTIVS P.P. III. If it had not been affixed to some bull of indulgence or pardon that the grantee had borne to a grave that has been ransacked or disturbed, it may, during the removal of the records at the time of the dissolution, have fallen from that bull of confirmation of certain possessions granted by this pontiff to the monastery in the year 1210. The very singular horse-shoe that I now exhibit was also found outside the house, near Robin Hood's well. In its unusual form it resembles those depicted on the floor tiles of the hall, and has been attached to the foot by at least ten nails, exactly similar to such as are now in use.

Elsewhere, during the excavation of the house, were found a brass buckle in the shape of a quatrefoil; a brass book-clasp; part of a large brass cup; half a cup of brown ware; a short earthenware tube; part of a large glazed jar with an orifice for a tap; part of a razor-blade, rather thicker in the back than we should think convenient; a knife blade; several keys; an earthenware cover or lid with an ugly face embossed on it; part

of a quern or hand-mill; a very clumsy and severe bridle bit; a leaden dinner-plate stamped with a horse-shoe; and a few Lombardy tokens. It may, however, be worth while to mention particularly, that this little vase, which might readily pass for a much older work was found in the chapel, and that there had been left in the kitchen the handle of a perforated brass plate or strainer; the handle of a brass pan; a large knife that had been sharp on both sides, but apparently more fit for plashing hedges than domestic use; a brass ladle; and a well-worn glazier's "hacking-out knife," that no doubt had done its duty when the house was destroyed. Each of these, like the other objects I have mentioned, might suggest some remark, but as the greater portion of them now await your inspection, and the time assigned to this discourse is now drawing to a close, I need only observe, that though such as are incapable of understanding the nature and value of minute and inductive research may deem them unworthy of observation, they may, in the difficulty of recognising domestic utensils of such comparatively remote but well-ascertained antiquity, suggest useful information as to the condition of our manufactures three centuries ago, and the nature, tendency, and degree of the improvement that has since been acquired.

On the north side of the coal-yard, and abutting on the wall, is an inclosure of rough stones, flagged within and drained to the river, that appears to have been only the receptacle of a garderobe attached to one of the apartments that have surmounted the great passage from the abbey to the house. That an upper story did exist is, indeed, not only evident from part of a stained window, with its stanchions and jambs, having been found, as it was thrust out, below, but also from the fact that a stubborn fragment of the south wall retains the ruins of a fireplace, at an elevation of twelve feet from the ground. These apartments were probably approached by the staircase at the south-west angle of the great alley, and have perhaps communicated with other rooms which, when the excavation is completed, may be found on its north side.

The encaustic floor tiles found, on excavating the several apartments, are numerous and remarkable, and the evidence obtained on the subject of mediæval brickwork important and interesting. The floors of the principal apartments seem to have been paved either with plain or encaustic tiles, but nearly the whole of them were torn up and removed before the house was pulled down, when the specimens that remain had been so much disturbed, that it is difficult to determine to what parti-

cular apartments they had belonged. The presence of a few geometrical tiles, or rather tesseræ, similar to those with which John de Cancia decorated the abbey church, seems to indicate that he had also bestowed a pavement of this character on the hall and other chief apartments of the house; but none of them were left *in situ*, unless part of a plain pavement, in a passage near the east end of the refectory, may be referred to so early a period. The rest of the tiles that have been found detached among the rubbish, are either of the Decorated or Perpendicular period, of which latter character is a pavement upwards of thirty feet square at the south end of the great hall. Although no general device or pattern is attempted in its arrangement, besides a plain border or bounding course, respective only of the columns of the building, yet several patterns are introduced promiscuously, that are very interesting.

One pattern of four tiles displays the arms of the abbey (azure), three horse-shoes (or), and the very appropriate inscription used also by Darnton in the Lady Chapel, BENEDICITE FONTES DOMINO. Another, and nearly similar, pattern of Tudor tiles exhibits the same arms, but circumscribed by (SOLI) DEO GLORIA, a motto always used by abbot Huby, and identified with him in the abbey in two instances where the shield has displayed his initials with the mitre and crosier. There is a pattern also bearing, perhaps heraldically, three feathers without a legend, of which a much better impression was stolen, soon after its discovery, by some prowling collector, from the centre of the dais in the refectory. From the inferior manufacture, however, of the tiles used in the hall, I am inclined to suppose that they were such only as were rejected in some work which may hereafter be discovered in the abbey.

On this interesting part of the subject, time will not allow me to say more than that, on several of the tiles, the device has been merely stamped or impressed, and consequently not represented by a different coloured clay. Of this kind were the Tudor tiles with which the refectory has, apparently, been entirely paved, and the floor of the great hall repaired. The pattern—a rose, in a lozengy compartment, occurs in tiles of two different sizes, and, in the smaller form, has been also found at Sawley Abbey in Craven, and in the Solar at Markenfield Hall, near Ripon; though it is more than probable, that in one case the design, and, in the other, the tiles, were supplied from the kiln at Fountains. I must remark also, that I observed pounded brick in the mortar used here by the Early English builders,

and that I found in the rubbish of a chimney of that date, several moulded bricks incrusted with soot and charred by fire, of a shape exactly similar to that found four years ago in the wall of Danebury church in Essex, and supposed, in the seventeenth number of the "Journal of the Archæological Institute," where a sketch of it is given, to be applicable to the formation of a chimney shaft. Some plain bricks occasionally turned up, in the Perpendicular work, 13½ inches long, 2 inches thick, and varying from 4¼ to 5¾ inches in width. There are also fragments of large square flat roofing tiles, about half an inch thick, which served, when entire, for covering the inferior offices of the house, or, when broken, for levelling irregular courses of the walls. I have not been able to procure a perfect specimen, though it is tolerably evident that they were upwards of fifteen inches square, and were supported, not only by the knob or projection on the under side, but also by a wooden peg that passed through a hole on each side of it, and attached it to the woodwork of the roof. It is unnecessary to inquire how early these tiles were employed, for I have observed several of precisely similar form and substance inserted in Norman walls of the abbey, as early as the time of its foundation.

With a trifling exception, the whole of the abbot's house had been explored in the spring of 1850. The extraordinary interest which the discovery had excited, not only among all classes of visitors that had thronged daily to the spot, but among antiquaries generally, was, however, now rather raised than abated; since it was found, on clearing the west end of the great passage from the abbey, that it was connected with some buildings of the transition Norman period, buried in rubbish about seven feet deep. As these were evidently apartments that had hitherto been wanting to complete the plan of the domestic offices of the abbey, it was determined when the works were resumed in the subsequent winter, that the whole space between the abbot's house and the cloister on the west, and the river and the chapter-house on the north, should be reduced to the proper level. The work had not proceeded many yards before it was evident that the bank along the south end of the refectory was but an accumulation of rubbish; and that the river had not only washed its walls, but, when swollen by floods, had flowed down a tunnel parallel with it, and constructed under the apartment to prevent inundation. The intervening pier, or foundation, is an example of a mediæval water-wall, worthy of particular observation; but from motives of unnecessary caution, the stream was not suffered to regain

its ancient course, which, in the plan now exhibited, is indicated by dotted lines, as if in the condition of sand or debris, which it most probably had assumed before the dissolution of the house. On advancing towards the kitchen, the ruin of a rude pier, or pillar, by the side of the water, and parallel with the east wall of the refectory, apparently showed that a wooden bridge had crossed the river here, and that the path had passed along the east side of the refectory to the kitchen, under a pent-house of which the corbels that supported the roof still remain in the wall. After clearing out the foundation of an apartment that had been vaulted, and subsidiary to the kitchen, probably as a larder or dairy, we found that the frater-house had been curtailed of thirty feet at its southern and ruined extremity, by a wall erected by Mr. Aislabie, and that, therefore, its proper dimensions are 104ft. by 29ft., instead of those erroneously represented in the modern plans. From this newly cleared part we found entrance to another apartment, 59ft. by 18ft., leading eastward, that no doubt had been the cellar, though there is no trace of the pillars of the vaulting noted in Burton's plan, and only of openings northward, that have been walled up. Again, from its east end, we entered another place, 30ft. by 18ft., that had as certainly been the brew-house; for in addition to the evidence of its position and its two large archways towards the river, there are not only strong marks of fire against the thick partition wall between it and the cellar, but in Dr. Burton's plan, taken before the upper part of it was demolished, a semicircular recess is represented on this side, such as would have been required for fixing the boiler. This wall, however, appears only to have been the work of Huby.

Along the south side of these apartments, the river has been admitted into a walled course that passed under, and was included within them, for the purpose of refrigeration, and also served as a drain for the frater-house, which had an opening into it at the upper end. The wall towards the river has been partly supported on arches; but at some time, and perhaps not long before the dissolution, the foundation appears to have been so unsettled at the east end, as to have demanded the closure of two of them, together with the openings from the brew-house, and the erection of huge buttresses and piers to resist further dilapidation. The inner wall, too, was then strengthened.

On removing the earth under the arch at the eastern extremity of this watercourse, the long protracted expectation of the workmen for hidden treasure, in any and every shape that the most

romantic imagination could devise, was suddenly gratified by the discovery of a hoard of silver money, consisting of 354 pieces, generally in excellent preservation, ranging in date from the reign of Philip and Mary to that of Charles I., a few of the earlier and well-clipped pieces being Spanish coin. They were laid, without any apparent envelope, at the depth only of a foot, and were doubtless committed to this particular place by some thrifty inhabitant of the adjacent country, who had been slain suddenly during the great rebellion; for it was easy to have been identified, even at night, by any one who shared the secret.

On excavating the north side of the cellar, it was found to have been, with the intervention perhaps of another yard to which the windows had originally opened, the boundary of the base-court, of which the frater-house formed the west, and the chapter-house the north side. The greatest part of the east side was occupied by coeval buildings, corresponding in width with the length of the brew-house; but, in Huby's time, the two lower apartments have been converted, longitudinally, into a double range, of which it is now, in the absence of all particular evidence, impossible to say more than that the apartments which looked towards the river were domestic offices; for the smaller communicated on one side with the brew-house, and on the other with an apartment of which the original Norman doorway opened, eventually, into the abbot's coal-yard. The use of the three apartments towards the base-court is singularly evident. They were the prisons of the convent. These favourite localities of novelists were used for the punishment of such monks as had been found guilty of felony or other heinous crime, and in this instance also may have been required by the secular jurisdiction which the abbot enjoyed within the "Liberty of St. Mary of Fountains." They were all approached only from the space or yard on the north side of the cellar, and by the entrance to the first and largest cell, which having been therefore used, probably, for the mildest form of punishment, had the convenience of a window; which, though we found it closed, had enabled some unfortunate captive, in whom solitude had recalled reflection, to trace, even perhaps when chained to the iron now wrenched from below, a Latin inscription, in black letter, not less than twelve feet long, of which, however, little more can now be deciphered than the characteristic and pathetic VALE. The other cells had been intended for the infliction of severer discipline, from the absence of light, and the presence of a convenience, which added only to the offensive character of the place. Both

have traces of iron in the wall, but a formidable staple, in the floor of the innermost, tells significantly that it was reserved for the most heinous or incorrigible offenders. More than once I have perceived evidence of an intention to aggravate the horrors of mediæval dungeons, and I was not surprised to find here that the great drain from the Base Court had been carried under this place; though I was, to find the stench so intolerable as to require quicklime to be thrown into it before it could be cleared out.

After the erection of the abbot's house, the passage to it from the abbey intervened between this range of buildings and the chapter-house; though no doubt, the space had been previously occupied by a similar communication.

In the northern face of these buildings, a perpendicular groove has been cut in the outer surface of the wall, sufficient to admit a pipe of three inches bore that has passed through into the room with the Norman doorway. If this was intended to convey water from the roof to a tank or cistern, it may be, perhaps, the earliest instance of a vertical conductor that has been observed.

The whole of the newly-discovered offices of the abbey are of the transition Norman period, with the exception of the prisons. As their elevation seldom exceeds five or six feet, it is of course impossible to say to what extent they may have been altered or repaired, particularly in the upper stories; but from the heads of windows, and such like fragmentary indications found within, it appears that considerable changes have occurred in the Tudor period, and from the presence of stones bearing the well-known initials M. H., that they were instituted by that indefatigable builder and able ruler of the house—Marmaduke Huby. These operations, however, with the exception of the prisons and the abutments against the river, seem to have been required only in the upper stories, for the use of which he introduced a winding staircase, near the doorway from the cellar to the brew-house, and another at the northern extremity of the eastern range adjoining the abbot's coal-yard.

On examining these offices, it is necessary that a visitor should be informed that several beautiful fragments of Early English work dispersed in them, were found among rubbish brought here from another part of the abbey by Mr. Aislabie; a circumstance the more to be regretted, since, on the conclusion of this part of the excavation, they were mingled with other wrought stones that had formed part of the superstructure, and in some degree illustrated it by their position, and were, unwarrantably, used by the workmen to decorate the walls, after the puerile fashion of a suburban tea garden.

In excavating the offices, few objects of curiosity were discovered, except in the mouth of the drain, near the brew-house, a piece of brass that seems to have formed part of a machine or of a philosophical instrument, and in the brew-house a small and almost flat leaden tunnel, formed by two plates, neatly seamed on each side. A piece of bell-metal, too, was found in some earth that had been brought from the great tower, and elsewhere a floor tile, that had come from the chapter-house, exhibiting a monstrous animal.

Such then has been, hitherto, the result of a work, of which, since we are now about to adjourn to the spot, I will say no more than that, whatever may be the individual appreciation of the intelligence and attention by which it has been conducted, there will be but one unanimous feeling of gratitude and respect to the noble owner, excited not merely in admiration of the spirit that has so disinterestedly and munificently promoted, at once, the objects of science and popular gratification, but also by the exhibition of a most stimulative example to the owners of other monastic ruins, and, more especially, of those noble structures that are yet suffered to stand, half buried in their rubbish, in this county. Nor should it now pass unmentioned, that, during the time of this excavation, there has been retrieved, under his lordship's auspices, from the shapeless mass of rubbish that had, hitherto, represented the Abbey of Sawley in Craven, nearly the whole of the plan at an unexpected elevation, enriched with details of considerable importance. And I must remark, also, that in no other instance but that of Fountains Abbey, could the excavation of a monastic ruin, more particularly of the Cistercian order, have produced the same useful or instructive result. Founded under the immediate direction of St. Bernard, and ruled, long after its institution, by men connected or in communication with the parent house, it must, notwithstanding some slight local peculiarities, be received as the model of a Cistercian monastery; though the wealth that the founders had attracted, during the original disposition of the fabric, enabled them to indulge in an unusual degree of amplitude and convenience. This general plan of arrangement has now been tolerably ascertained, so that whatever works may be prosecuted in future will tend rather to the illustration of this particular institution, or affect the picturesque or pictorial character of the ruin. Considering, however, the important position of the house, these no doubt, will be productive of a welcome "restitution of decayed intelligence;" and may, I trust, enable me to address you again, at some future and not far distant reunion.

VII.—ON THE EXCAVATIONS NOW IN PROGRESS AT FOUNTAINS ABBEY. A Paper read before the Yorkshire Architectural Society, at a Meeting held at Skipton-in-Craven, May 31st, 1854; in continuation of one read before this Society at Ripon, June 17th, 1851. By JOHN RICHARD WALBRAN.

In concluding the Paper which I read before you on this subject, at our meeting at Ripon, I was induced to express a hope that I might be enabled to offer a continuation of it, "at some future and not far distant re-union." The importance of the works that have been prosecuted at Fountains since that period, will, I think, justify me in endeavouring to give you some report of them on the present occasion, and more especially since the excavation of the Conventual Church, which has so long been an object of speculative interest to the antiquaries and architectural students of this country, is now realized and completed. The general result is, that though, as regards the discovery of particular objects of interest or curiosity, the work has not fulfilled the anticipations of those who had some reason to entertain them, yet many facts have been, both directly and inferentially, elicited, and the general appearance of the building has been developed and improved to such a high degree, that to any one who has not visited it, any description would seem exaggerated. The Lady Chapel, in particular, has acquired such additional grace and elegance of outline, and amplitude of dimension, that I know no building of that date that can be said to exceed it.

I will not trouble you with a recital of the information that was gained by the removal of the rubbish around the south and eastern sides of the Lady Chapel and contiguous parts of the passage from the abbot's house to the church, since they have been already published in my "Guide" to the building. I will speak now only of the Conventual Church, in which the rubbish varied in depth from little more than twelve inches, in the middle of the choir, to about three feet, in the nave. The whole mass appeared to have been disturbed—probably during Mr. Aislabie's "improvements" in the last century—so that, unfortunately, whatever objects were found detached among it, could not be, generally, assigned to their original positions. In the excavation of the abbot's house, it was otherwise; wherever an object had fallen, there it was found. There needed not, indeed, this intrusion to disturb the last vestiges of evidence that might have been left; for now it has become evident that the spoliation, after the dissolution of the house, had been conducted with no ordinary

wantonness and avarice. The stalls, screens, and other fittings had apparently been used, as was the case at Roche Abbey, to make fires for melting the lead; for here and there we found heaps of ashes—nay, in the nave, part of the furnace where the operation had been conducted. All the glass had been removed from the windows, so that no more than a handful has been found. The large slabs had been torn from the graves and removed; even the greater portion of the paved tile-floor had been taken up; the very graves had been ransacked in search of valuables or treasure, if we may judge from the condition of such as were accidentally observed, and the quantity of bones mingled with the rubbish.

The destruction of the pavement is especially to be regretted; not only because it was reasonably expected that a large portion of it might have been suffered to remain, but because we have record evidence that it was, originally, of a peculiar character, now seldom to be observed. It was, throughout the church, the work of Abbot John de Cancia, in the early part of the thirteenth century, and of a style usually called Geometrical; that is to say, that the pattern or device was not formed, as in after days, by stamping each tile with a part or the whole of a design, but by the combination of a number of tiles of several shapes and colours, as in the altar platform here, which was indeed a portion of this identical work. I apprehend, however, from some fragments that were found, that the whole of the work was not of an equally rich and elaborate character, and that it had undergone extensive alterations in after days.

The process of excavation was commenced at the south end of the Lady Chapel. This place was not used for the general services of the church; but was divided, by a high wooden screen that ran, longitudinally, down the centre, and by others that were joined to it at one end and the eastern wall at the other, into nine apartments or chapels, in each of which was an altar, dedicated to some particular saint, at which daily prayers were said for the souls of certain persons deceased, who had endowed a chaplain for that purpose. Of these altars, portions of six have been discovered; the rest having, no doubt, been destroyed when Mr. Aislabie erected the absurd gallery under the great eastern window. Two of them remain in tolerable perfection; but in all the cases, the covering slabs have been removed. The pavement of the chapel has been utterly destroyed, with the exception of some plain work near the south door, that had been inserted not long before the Reformation. If a conjecture might be suggested

by some small fragments of pot-metal glass that were found here, some or all of the lancet windows might have retained their original glazing to the last. Of the immense quantity of glass that filled the great eastern window, it is strange to say that not one particle was observed. As, however, at the time of the Reformation, even plain glass was so costly, that it was often fixed in wooden frames, and removed from the windows when the apartments were not in occupation, and this window had not then been erected much more than fifty years, it is very probable that this, and the rest of the glass that was marketable, was at once removed and sold.

When I found that the pavement of the Lady Chapel had been thus mercilessly destroyed, and that no sepulchral memorials were to be found in its chantry chapels, I watched, with some curiosity, the removal of the rubbish between the high altar and the east window; where I sought, thirteen years ago, for the memorial of Abbot Gower, who I knew was interred in this particular spot in 1390. The search was at that time unsuccessful; but I found, within two feet of the sward, *and above the level of the old pavement*, the skeleton of a man, who, since his skull was decapitated and placed on his breast, must unquestionably have suffered a violent death, and have been buried here, after the dissolution of the house, and the present formation of the rubbish; and that the more decidedly, since the body laid north and south, evincing unchristian burial. Exposure to the air had, however, wrought its usual effect on this irrevocable mystery, and, with the exception of some few fragments, no part of the skeleton could be found.

The choir was, necessarily, the next part that was cleared, and, singularly enough, developed little or nothing that I had not previously ascertained. Its main floor, raised two steps above that of the aisles, had been removed altogether, together with the sepulchral memorials of those who had been honoured with interment in this most sacred place. The pillars supporting the clerestory had, with the exception of some fragmentary remains of bases, been torn down not only to the ground, but to the very foundations; and worse than this, in the havoc that has subsequently taken place, no considerable fragments of the superstructure could be identified. It became evident, however, that the communication of the south aisle with the Lady Chapel had at some time been stopped, and, in the paucity of such convenience, a wooden screen had been thrown across the dividing arch, against which an altar had been placed. It had always been

sufficiently evident that the screen between the high altar and the Lady Chapel had agreed, in character and detail, with that of the arcade, supported by marble shafts, still remaining around both those portions of the church; and we now only gained the additional information that the base had been cleared away, probably by Mr. Aislabie, who carried portions of the superstructure to different parts of the building, where they may still be seen. It was much more difficult to settle the long disputed question as to the intact condition of the beautiful pavement of the platform of the high altar On the one hand, it has been declared to have been merely "made up," and, therefore, valueless as an example of the general arrangement of pavements of this character and rare occurrence; on the other, respectable traditional evidence that has been afforded me tends to show that, though it has been disturbed and repaired, yet both the integrity of the design and the old arrangement were strictly preserved; and in this opinion I am, for several reasons intelligible only on the spot, strongly disposed to coincide.

On each side of the high altar there has been a screen similar to that behind it, and occupying the space of one intercolumniation; but there are no traces either of the sedilia, piscina, Easter sepulchre, aumbries, or any other appurtenances that might have been enclosed within it; and so when sculptured stone and marble have perished for ever, the written record of the despoilers must alone suggest that, on high days and festivals, this most holy space was screened, on each side, by rich hangings of tapestry, and canopied with curtains of "flowered damask;" while on the altar itself was displayed such a profusion of jewelled gold and silver work as will more fitly be alluded to anon.

Immediately in front of the high altar was interred, in 1315, Lord Henry Percy, of Alnwick, whose valorous feats against the Scots during the wars of King Edward I., his large acquisition of estates, and works of piety, you will find amply detailed in the Baronage of Dugdale; but the most diligent search I could institute discovered neither an indication of his monument nor of his tomb. And feeling painfully, during the removal, by rude heedless hands, of the rubbish "that weighed above his gentle dust," how the mere lapse of time tarnishes and corrodes the most brilliant acts and adventures into the unsubstantial nature of "a tale that is told," you may deem that the apostrophe of Shakespere to his descendant realized itself with an intensity it has, seldom, exercised among the most admiring audience that ever listened to its theatrical recital.

"Fare thee well, great heart!—
Ill-weaved ambition, how much art thou shrunk
When that this body did contain a spirit,
A kingdom for it was too small a bound;
But now, two paces of the vilest earth
Is room enough:—
Adieu, and take thy praise with thee to heaven!
Thy ignominy sleep with thee within the grave,
But not remember'd in thy epitaph!"

Equally unsuccessful was the general search for the sepulchral memorials of those many distinguished persons who, no doubt, must have been buried in the choir. It remained, therefore, only to ascertain whether the stone coffin on the north side, generally called that of Lord Percy, remained or not in its original position. When the bones of its tenant had long ago been scattered to the winds, this object might have been sufficiently absurd, if it had not proved that, as the coffin stood in its original position on the floor, it had no doubt been covered with a sculptured effigy; and that the cross-legged figure, bearing a shield charged with a lion rampant, which is remembered traditionally to have stood against the opposite wall of the aisle, was originally such a covering. This fine figure, which is now in one of the chapels of the transept, and is usually said to be that of Roger Lord Mowbray, who died in 1298, and was buried in the choir of Fountains, was, whilst standing in its old position against the wall, wantonly thrown down and broken one Sunday afternoon, about fifty years ago, by a party of drunken militiamen from Ripon. It was afterwards placed in the cloisters, and, subsequently, where it now remains. From the inconvenience of its position it is not easy of examination; but the elegant cast of the drapery, the rendering of the sinewy robust frame and form of the grim warrior, and the feeling thrown into the "supplication of the dying hour," evince that it has been the work of a master-hand during the best period of English sculpture.

When the work reached the west end of the choir, it was found that the screen had been torn down to the ground. It had been of lime-stone, and built, very probably, in the century preceding the Reformation, and at the same time as the great tower; but, even as to its general outline, no definite idea could be formed, as no fragments were found during the excavation that could be reasonably supposed to have formed a portion of it. There used to be a tradition that the screen in Ripon minster was brought from hence, but this can be demonstrated to be untrue. Such transfers, however, were not uncommon at the period of the Reformation. The wooden stalls and appurtenant screens were removed from Easby Abbey to Richmond church; and in the

church of Aysgarth, in Wensleydale, is still preserved the gorgeous rood screen that was saved on the destruction of Jervaux.

Within the porch, or central passage of this screen, was rediscovered that magnificent slab of blue marble, the wanton disturbance of which by the workmen, in 1840, caused the cessation of the excavation recommended by me to Mrs. Lawrence, and approved of. The design has represented, in graven brass, the figure of a mitred abbot under a canopy, holding his crozier over his right shoulder, with a circumscription having circular corner pieces, no doubt for the evangelistic symbols. There is, of course, now no trace of brass, but the rivets by which the plates were fixed to the stone still remain, and the channels by which the solder was cunningly conveyed to them may be observed. When the slab was disturbed in 1840, the skeleton below, being that of a man apparently above six feet high, was found resting on a paved bed. On being again removed, during the present work, to refit and secure the broken portions, the bones were found still in a sound condition, and it was then observed that the grave had been originally filled with sand.

From an entry in the "President Book" of the Abbey, now in the muniment room at Studley, it appears that this is the tomb of the abbot, John de Ripon, who died 12th March, 1435, and is there said to have been buried in the entrance of the choir. He was one of the most noted and talented men whom the house produced; and was deputed, with four other English abbots, to attend the Council of Constance, where the doctrines of Wickliffe and Huss were condemned; and, also, afterwards, as the representative of the English clergy, to the Council of Basle, where, in the controversy that arose as to the power of a general council of the Church over the authority of the Pope, he maintained the cause of the latter.

We now come to the transept. Here I was justified, by the manuscript to which I have just alluded, in expecting the memorials of several of the abbots that are buried here; but, with the exception of two slabs, the floor presented only a hopeless blank. One of these slabs is placed at the angle of the transept joining the north aisle of the nave, but it is uninscribed. The other is at the south end of the transept, not far from the stairs that led to the vestry. From the broken inscription, however, no further information can be gained, but that, singularly enough, it records another "Brother John de Rypon," and that, from the character of the incised letters, he seems to have been an inmate of the house after the time of his namesake. The grave had been ran-

sacked; the bones being found in a disturbed condition, as was the case, also, in another walled grave to the north side of it.

On the east side of the transept are four chapels—two in each wing—used for purposes which I have previously explained. In that next to the tower nothing has been found; indeed, I have been told by an aged man, long since dead, that there had been a vault below, and that it was filled up to the general level of the transept, within his recollection. In the next chapel, through which the former is approached, were disclosed portions of a stone altar, like those in the Lady Chapel, together with two small, but interesting, fragments of John de Cancia's geometrical pavement. The floor under the altar is evidently hollow, and of course was not disturbed, but, as it was customary, on the dedication of an altar, to place some relic of a sainted personage below, it probably has contained nothing but what has, long ago, been resolved to its mother earth.

Passing now to the southern chapels, there was nothing observed in that adjacent to the choir, except that the floor had been renewed not long before the dissolution of the house, with lozenge-shaped flag stones, similar to those that had been used on the altar-platform of the abbot's private oratory; and that at some time after the Reformation, large quantities of stones had been hewn and dressed here, as was proved by the large accumulation of fragments and chippings found upon the surface of the floor. The southernmost chapel was cleared out in 1849, and shows nothing upon the floor, except a slightly elevated altar-platform, and some small fragments of geometrical pavement that adhere to the walls.

Abutting on the western wall of this wing of the transept, was found the base of a staircase, that formerly led to the vestry or sacristy. Of the situation of this apartment, which is entirely inaccessible to any one who has any respect for their comfort or their bones, you may derive the best idea from the knowledge that it is immediately above that dark vaulted passage intervening between the south transept and the chapter-house, where many paving tiles were formerly strewn about, and a place generally described by the guides as the "bone-house;" wherein, as I will mention anon, they spoke more truth than they intended. On clearing out this apartment, there was nothing remarkable observed, with the exception of a lavatory in the south wall, under a well-moulded semicircular arch—in fact a sink where the vessels used in the church were washed; but in the olden time, the interest and value of its contents must have been

extreme, for here were deposited the most valued treasures with which four centuries of wealthy patrons and benefactors had endeavoured to testify the devotion of their faith, and to dignify the ceremonials of the house. In how triumphant a degree this intention was consummated, is not, fortunately, a mere exercise of imagination or of romantic fancy, for there remains still, among the archives of the monastery, a schedule minutely descriptive of the nature and value of each article found here at the dissolution, which leaves little that an educated mind might not delineate in all but visual reality. In the massive oaken presses of a long, low, narrow, and imperfectly lit apartment, depict, then—after having glanced at the nineteen silver chalices and patens in use on the several altars—at the two great gilt candlesticks, the silver-gilt basket for incense, the gilt ewer, the parcel gilt basin, the great silver censors, and other minor paraphernalia of the high altar; depict, then, I say, grouped here picturesquely together, and graven and decorated in all the florid magnificence of these elder days, the "ymage of o$^{r}$ Lady, silour and gilt," which weighed not less than 104 ounces; the great holy water vat of 53 ounces, with the "strinkil" by which its contents were distributed on kneeling reverential crowds; the silver shrine which contained "a ribbe of Saynt Lawrance" (whose bones, you may remember, were said to have been placed in the same grave with those of the martyr, St. Stephen); the great shrine of silver-gilt that was displayed on Corpus Christi day; a large silver image of St. James, who, it otherwise appears, was a favourite here; another smaller one of our Lady, in a case of silver-gilt; the silver-gilt head of a cross, decorated with an image, and no doubt used in processions; the massy and magnificent crosier carried by the abbot on high days; another of half its size, for ordinary occasions; the state mitre, too, gilt and adorned with pearls and jewels, and the smaller one "having the edges of silver and gilt, and set with round pieces of silver white like pearl, and flowers of silver and gilt in midward;" the two corporas cases of cloth of gold with which the host was covered; the piece of St. Anne's scalpe set in silver, which the incredulous appraisers at the dissolution valued only, by its weight of metal, at seven shillings and eleven pence; the silver-gilt cruets; the great gilt and jewelled cross of 120 ounces; the three lesser crosses; the massy gilt brooch to secure the lord abbot's cope; the great silver-gilt paten and chalice; and pre-eminent in radiant and dazzling beauty, the cross of solid gold, enriched with jewels and "part of the holy crosse;" and the table to be placed "on

the high altar on principal days, with three images of silver-gilt, with beads and plates of the same, and some part gold set with precious stones," which was valued, even in the money of King Henry VIII., at not less than one hundred pounds.

But there were treasures of another sort deposited here; and since Master Brian Higden and Edward Abbot of Rievaux, King Henry's visitors, once opened, with cunning, calculating eye, those other chests that never before had undergone such a mercenary inspection, let us, at least, for our present purpose, take advantage of their information, and learn that they contained those costly vestments and richly-wrought articles of ecclesiastical furniture with which an unselfish and faithfully-directed wealth, or the still more unappreciable worth of woman's piety and devotion to the church, had enriched this favoured community. See now, then,—and associate for ever, in your visions of the occupants of these now bare, ruined walls, wherein the voice of prayer and praise is for ever silenced,—not less than eighty copes, or richly-decorated garments, without sleeves, and reaching below the knees, that were worn over all the other robes with which the celebrating priests were encumbered: of these, six were of cloth of gold; twenty-six of white damask; four of white velvet; two of white fustian; five of embroidered work; six of "flowryd wark;" eight of "dyvers warks;" one "very well wrought w$^{th}$ ymages;" one of green damask, "wrought with ymages;" six of red silk, wrought with stars of Bethlehem and flowers; one of black velvet; three of black say; nine of red damask; and two of red silk. See too, then, the twenty complete "suits" or sets of robes, as they were worn, one above another, on festivals. One first named in the inventory—as, doubtless, having been the most superb of all—was of "white Baldkyn" (a material which took its appellatiou from Beldocco, an oriental name for Babylon, whence it originally came, and was the richest of all their materials for robes; the web being gold, and the woof silk, with embroidery. Another suit was of "course cloth of gold." Ten others "of silk and worstetts, gud and bad;" another suit of cloth of gold; another of red velvet; another of red silk, with stars wrought upon it; another of white velvet; another of white damask; another of "reide silk, w$^{t}$ sternys upon thame;" and another of black say. There was then, also, to be viewed and valued—a "cloith of wroght velwett for the crucifix;" a suit of tawney silk; another "of white for Lent;" another "of black for funerals," and after, many other articles of inferior note, a pillow for the high altar, of cloth of tissue; two cushions for the

mitres; four hangings of arras-work, for adorning—no doubt—on festival days, the sides of the space where the high altar stood, and two hangings to be placed, as a canopy over it, "of flowrid damask."

But I have been insidiously drawn away from my subject, and we will now recommence our survey, which ended in the vestry up stairs at the end of the south transept.

Below the vestry is a long, narrow, vaulted passage, leading from the cloister court to the burial ground, on the south side of the choir. The doorways at each end have long been walled up, so as to form the place into a gloomy apartment, formerly filled with tesseræ and paving tiles. In the course of the excavation, however, it became necessary to take down the wall which separated it from the cloister court; and then, under rubbish that had fallen from the vaulted roof above, was discovered a mass of human bones, sufficient, according to a careful computation, to have formed not less than four hundred skeletons. When they were torn from faithless graves, or gathered, after barbarous exposure, by some friendly hands into this common tomb, is now entirely forgotten. They were removed, on the day when they were found, to a grave prepared for them, at the west end of the nave; and, during the process of removal, I could not refrain, in most vivid retrospection of the imposing treasures of gold and silver and jewels that were so long hoarded but a few feet above, and of the richly decorated robes of state in which many of these once consecrated bones were invested, from reflecting, with Jeremy Taylor, that it was "a copy of the greatest change from rich to naked—from ceiled roofs to arched coffins—from living like gods to dying like men;" and from feeling, in the memorable words used by Sir Thomas Browne in his "Hydriotaphia," that they were "vain ashes, that, in the oblivion of times, persons, names, and sexes, had formed to themselves a fruitless continuation, and only arise unto late posterity as emblems of mortal vanities."

And there and thus, in the rapid state of decomposition in which this little city of the forgotten was found, must its poor elements now for ever rest. In an embrace that no mortal hand may sever, we left the servant free from his master—the rich and the poor changelessly interchanging one common dust. There, without mass, or orbit, or ceremonial—the warlike and the peaceful—the fortunate and the miserable—the forgotten qualities of age and strength—of the proud and of the powerless—of the energy of man and the devotion of woman, were, for the last

time, dismissed from a scene in which they once moved, as influential facts and exponents; there we sowed again the tares, that shall remain ungathered from the wheat until the morning of universal doom.

By the excavation of the nave little information was obtained. In the urgent necessity to obtain space for the chantry chapels, it had been so divided and traversed by massy wooden screens, as to render the introduction of the larger windows on the south, and that noble one at the west end, a matter of necessity rather than of taste. Besides the chapels thus formed in the side aisles, the main body of the nave was crossed by not less than four screens, thus affording space for at least eight altars. During the time when this eastern portion of it was cleared out, nothing was observed on the surface, except a few stones that had formed the base of a screen that had been fixed in front of the last bay of the nave. Some little time, however, afterwards, when the iron tramway that had been used in the excavation was being removed, the wheel of a cart that was passing over this part suddenly sunk a foot or more deep in the earth, and on being raised, it was found that the slip had been occasioned by the fracture of a large earthenware vase that was buried immediately below the surface. As it had evidently been placed there at a remote period, the soil around was particularly examined, when it was discovered that, on the east side of the screen, and divided by the processional pathway, were two spaces of the form of the Roman letter L walled on the sides and flagged at the bottom. In that on the south side nothing was observed; but in the other, a large quantity of charcoal ashes; and to the astonishment of all who have seen them, nine vases or jugs of rude earthenware, each sufficiently capacious to have contained nearly two fluid gallons, fixed on their sides within the walls of the space, and also partially filled with charcoal. These ashes may have been cast here from the adjacent furnace, where the lead stripped from the house had been evidently melted into a marketable shape at the time of the dissolution; but why the vases should have been introduced is, so far as I can understand, on precedent, a case unique and unaccountable. Speculation on an object that is hourly visited has, I doubt, hitherto proved more amusing than instructive, and I must confess that, after a most minute examination of this and many other monastic and ecclesiastical structures, I can only occupy your time with equally baseless conjectures.

Besides these vases, and the bases of three altars attached to

the pillars, no particular objects of interest were observed in the nave, except that towards the west end two blocks of limestone, each two feet three inches square, with a circle incised on the surface, were found inserted in the floor, which led to a more particular examination, ending in the discovery of fifty of similar character, occupying the space and arranged in the form expressed on the plan just published in the last edition of my "Guide." They marked the positions observed by members of the convent, before they moved in procession on high days to meet their patrons or benefactors. On the stone immediately in front of the great west door, which is larger than the rest, stood the mitred abbot, clad in his lustrous cope of cloth of gold, and with his magnificent crosier in his hand. Before him, on each side, with the space of about three feet between, were ranged twenty-five of his brethren, each, too, habited in some of the copes, and bearing some of the relics, or shrines, or crosses, or images I have mentioned; and, immediately in front, preceding all, was placed the cross-bearer, who led the long-drawn procession into the choir. The faces of the stones were, however, so crumbled and decayed, with the exception of the two which occasioned the discovery of the rest, that the turf has been continued over them, so that, to an uninformed observer, there remains little trace of an interesting arrangement of which something similar was to be seen on the ancient pavement at York Minster before it was destroyed in the last century.

At the east end of the south aisle, and on the left hand of one passing from the church to the cloister court, was found, fixed to the foundation of a screen that had divided this part from the transept, the moulded base of a stoup or holy water basin of very good work of the thirteenth century, which will be rendered of particular interest, if it can be proved—as I think it may—to have supported the very beautifully carved marble basin now used as a font in the adjacent chapel of Aldfield, which is distinctly remembered to have been brought from Fountains.

Nothing more, I think, now remains to be told of the excavation of the church, except that the great staircase leading from the south-west end of the nave to the dormitory has also been opened and cleared out. The side walls were found to have been broken down, and the steps all but entirely torn away; yet it is not uninteresting to gaze musingly on the path by which so many generations of holy men crept, in the breathless solitude of midnight, from their cheerless cells, with aching hearts and shivering limbs; while the assurances of that faith, whose rites they were

about to administer, mingled with the relentless peal of the warning bell, and associated the white habits in which they were arrayed with[1] those spotless robes in which, having passed through this "great tribulation," they should at last be invested, and sing the songs of never-failing praise in the eternal temple of heaven.

After the excavation of the church was completed, the rubbish that had accumulated at the west end of the nave was removed. In laying down previously the railroad which traversed this space, when the works within the building were in progress, some traces of a foundation wall were observed parallel with, and at a distance of fifteen feet from, the great entrance; but as they were thought only to have supported a wooden porch, little further notice was taken of them at the time. When this space, however, has now become entirely cleared, it appears that towards the close of the twelfth century a vestibule or Galilee, co-extensive with the front of the nave, has been added to it, and also somewhat altered in the succeeding century. In its elevation it has not apparently risen above the base of the present western window, and from an examination of the stones found in the rubbish, has had an open arcade, supported on double shafts, on each side of the doorway; but the north and south ends have been only of plain masonry. It seems, like similar porches elsewhere, to have been chosen as a place of burial, since there were found within it six graves, covered with large slabs. Of the four to be seen at the south end, nothing is to be particularly observed, except the mode in which the graves are connected; but in the opposite extremity is a remarkably fine and perfect slab—still fixed by massy leaden clamps to the coffin—which bears the device of a processional cross of the early part of the thirteenth century.

There was found, also, within this unexpected appendage to the church, a large image of the Blessed Virgin,

"With her Almighty infant in her arms,"

that had been thrown down from the niche that it occupied above the great western window, bearing the date of 1494. Both figures are headless, and there is little in the composition to attract admiration; yet these might be, even now, not inaptly restored to a position, whence, for three centuries, they have been, ignominiously deposed, that emblem of the great patroness of the house, to which generations of faith have directed their eyes with feelings of piety or veneration.

(1) Apocal., ch. vii., v. 13. Part of the preceding verse still remains inscribed on the Tower of Fountains.

Several well-sculptured architectural fragments, which may hereafter, when better examined, prove useful in investigating the history of the building, were also found here; but it would be uninteresting now to allude to them; though I must mention, that in their company were discovered two of those small perforated plates of lead—exceeding in elegance of design and intricacy of pattern those discovered at Sawley Abbey—which, no doubt, were inserted in windows for the purpose of ventilation.

The removal of the deep rubbish that has accumulated on the north side of the nave is now in progress, and will occupy the rest of the present season. No discoveries of foundations or of curiosities can reasonably be anticipated; but, from the increase of elevation which the long-buried part of the structure will receive, and the more picturesque points of view in which it will become generally accessible, if the pathway is directed nearer the rocks, a very gratifying result will assuredly be obtained.

And now, having exhausted every topic on which I have endeavoured to instruct or to amuse, it is a pleasing mitigation to the regret with which I quit my occupation, that I am enabled to gratify you with the intelligence, that the Earl de Grey has recently directed that all such statues, sculptures, mouldings, brackets, capitals, or other ornamental portions of the building as are suffering decay, shall be carefully cast in plaster; and that a copy of each, when the original ought not to be removed, shall be kept, together with all the curiosities that have been found during the excavation, in the court room, which is to be fitted up for their reception. Many objects that are easy of access have been cast already; and during the present week, a scaffold has been erected before the tower, so that authentic copies may be taken of the statues that decorate the niches on its sides. I had hoped that I might have exhibited to you, to-day, some sketches of these objects, but I find that a little time must elapse before this can be accomplished; and, therefore, however imperfectly the pencil may illustrate the observations which you have heard, I will substitute these representations of the changed aspect of the church that have become unattainable, since the avaricious miscreants who perpetrated its ruin abandoned to the hands of avarice and the tooth of time

"Things that were holy, and are holy still."

NOTE. The vases, to which Mr. Walbran alludes on p. 155, were for acoustic purposes, as he himself subsequently discovered.

VIII.—ON THE RECENT EXCAVATIONS AT SAWLEY ABBEY, IN YORKSHIRE. Read at the Joint Meeting of the Architectural Societies of Lincolnshire and Yorkshire, held at Thornton College, Sept. 15th, 1852. By JOHN RICHARD WALBRAN.

The ruins of the Cistercian abbey of Sawley are situated in the vale of the Ribble, immediately above that point of the river where it becomes the boundary between the counties of York and Lancaster.

According to a memorandum in the chartulary of the house, now preserved among the Harleian MSS. in the British Museum, this abbey was founded, in the year 1147, by William de Percy, Baron of Topcliffe and Spofford; the establishment of an abbot, twelve monks and ten lay brethren having been provided from Newminster in Northumberland, the eldest daughter of the great monastery of Fountains.

About forty years, however, after the period of the foundation, the institution was in danger of being dissolved. The monks complained that, through the humidity of the climate, their corn rotted on the ground; that they were in want both of food and clothing; and, so far as we may infer from the contemporary record of their position, that the fabric itself was in danger of ruin.

The founder was now dead, and his estates vested in his eldest daughter and heiress, Maud Countess of Warwick. She was a pious and benevolent woman, and on learning the destitute condition of the house, and the determination of the abbot of Clarevall and the visitors of the order that, in default of the interference of the patroness, the abbey must be destroyed, she obviated the scandal that awaited her father's inoperative foundation, by the donation of the church of Tadcaster and about an hundred acres of land in Catton, where she was born.

The sub-infeudatories of the Percys were inclined, from time to time, to contribute their acres and oxgangs to the foundation of their lord: but the attraction of the Lacys and their dependants to Whalley and Kirkstall, and of the Romilles and Albernarles to the priory of Bolton, prevented the accession of any considerable territory, or the diversion of the bounty of the neighbouring families in this direction.

When the coffers of the religious houses had become swelled to repletion, in the latter half of the thirteenth century, we find the convent of Sawley still poor and dissatisfied. They complained that the surrounding country was very mountainous and

woody, attracting the vapours of the Irish Sea; their crops of grain were uncertain; the concourse of people that passed on that public way and claimed their hospitality was insupportable; and that among other misfortunes they had been exposed to the ravages of the Scottish army, who, in one of their forays, had plundered them of their personal property, and burned some of their buildings. Indeed, they were reduced to such exile circumstances that king Edward the First prayed the pope to confirm to them the appropriation of the rectory of Gargrave; most likely at the request of their neighbour, Thomas Earl of Lancaster, who also wrote to the pontiff on the same subject.

After this period, the absence of intestine commotion may, under the exercise of energy and prudence, have retrieved the position of the house. I have seen, however, no record that enables me to speak of it with certainty, until the year 1381, when a very interesting and synoptical glance is afforded by a compotus or household book of the abbey, preserved among the Assheton MSS. at Whalley. From this valuable record it appears that the revenue of the convent amounted to about 377*l.* of the money of that day; that the establishment consisted of at least seventy persons, of whom thirty were professed, the rest being employed in the house or on the land; and that their hospitality and domestic economy were conducted on such a scale as to require, in one significant article of consumption, the provision of 253 quarters of malted oats, and 164 quarters of barley. The most suggestive entries have been quoted by Dr. Whitaker in his "History of Craven," and afford materials for a graphic picture of a monastic household.

From this period I am unable to illustrate the condition of the house, until the time of Henry VIII., when the abbot, William Trafford, having taken part in "the Pilgrimage of Grace," was hanged at Lancaster, 10th March, 1536-7. As the law then stood, or rather was interpreted, the attainder of an abbot involved the institution over which he presided, and the abbey of Sawley was consequently forfeited and dissolved.

The site of the house, together with the greater portion of the lands, was granted, in the next year, to Sir Arthur Darcy. He was one of those creatures that pandered to the passions of that detestable monster who then occupied the throne, and was thus rewarded with estates, which, under proper direction, would have obviated, ere now, an incalculable amount of spiritual destitution. There is a curious record of his obsequious officiousness, in a letter, addressed by him to Cromwell, about the time

when he obtained Sawley, now preserved among the Cotton MSS. in the British Museum. From one passage it will be remarked that even his associates were not quite assured of his integrity. "Yt schall lyke your honourabyll lordschypp to be advertyssed," says he, "that I was with my lord-lewtenant at the suppressyon of Gervayes. . . . . From Gervayes I went to Sallay, wher I inqueryd owt a chalyce thatt was brybbed ffrome the kyng affor the suppressyon off the howes, and allso I have ffownd a booke of dettes belongyng to the howes, and there is a bark howes stoord with leddyr. I require your lordschypp to send to me your pleasure whatt I schall doo therin.

"My lord, I bessyche you be good lord to me: yt is schewed to me that the kynge's hyenes wolld ageyn survey my landes, and fferther Mr. Chanssler dyd send to me thatt ytt was thoght thatt I had dysseyvyd the kyng. My lord, ye know thatt I myght have hadd Seynt Lenarde's, whiche is better by iij c markes then my landes in the ffyrst survey. I dyd reffuse thatt; and on my ffaythe, I never knew whatt Salley was, tyll yt was grauntyd. M. Fermer and M. Montagew wolld have gyffyn syx c markes yerly for Greness Norton; and in consyderacyon theroff, and with my wyffe in maryage, the kynge's hyenes gave me my landes unsurveyd. Yff ytt be the kynge's pleasure to have my rentalles, uppon my lyff I schall not lye, butt bryng them my sellfe, and hys grace schall have all thynges 'att hys conscyence and pleasure, as knowythe God, who ever preserve yow with myche honorr."

From Darcy's representatives, the manor and estate of Sawley passed to the notorious James Hay Earl of Carlisle, whose granddaughter, Margaret Countess of Warwick, was in possession in the year 1662. About an hundred years ago, it came into the hands of the Weddells of Earswick; and was bequeathed by the late William Weddell, Esq., to the present worthy owner, the Right Hon. the Earl de Grey, who, it is to be remarked, has had the felicity of possessing also the abbey of Fountains and that of St. Mary's at York; the only three monastic structures in Yorkshire, with the exception of Jervaux, whose ruins have been properly excavated.

The site of the abbey is on the eastern side of the river Ribble, and at the foot of the slope that rises swiftly to form the eastern flank of that picturesque vale. From an elevation above the park, the eye may range over a noble panorama, in which are included the old forest of Bolland, on the one hand, and the less rugged demesne of Gisburn on the other, or trace the devious

wandering of the silver stream, from the lovely and romantic seclusion of Bolton, until it guides us to the majestic ridge of Pendle, the scenes and associations of Whalley and Stonyhurst, and its ultimate destination in the Irish Sea.

Before the dissolution, the abbey had been surrounded by a close, or, as it is now called, a park, of about fifty acres, entered by two gates, traditionally remembered by the names of "North Port" and "South Port." This close has recently been cleared of the hovels and straggling fences with which it has been long encumbered, and restored to something like its original aspect and dignity. Very few traces of the old wall, however, now remain, and in another generation, it may be forgot that it has comprehended that part of the village immediately to the west and south of the ruin, and that the highway, which now intrudes, with so obviously unmonastic a tendency, on the necessary seclusion of the house, originally ran by the west side of the mill stream, and communicated more immediately with the bridge than the present road.

The village of Sawley has, probably, risen since the dissolution, and in consequence of the multiplied tenancies of the abbey estate. In the erection of the necessary farmholds, it is obvious that recourse was first had to the materials of the hallowed pile, and more especially since it had fallen into the hands of one who could neither view it with the eye of admiration, nor remember it with sympathy and regret.

The absence of generations of subsequent proprietors, and the apathy, or incapacity, of those to whom the supervision of the estate had been entrusted, had again, in the course of three centuries, nearly levelled these humbler erections with the ruin whence they were derived, and had abandoned what the fury of the fanatic or the necessities of the sordid had once left, with satiety, to unheeded pillage and decay; so that huge mounds of rubbish and a few melancholy fragments of ragged grout-work alone proclaimed the site where holiest and noblest hearts had hoped to gain an untroubled grave, and an institution of Christianity and civiliszation had diffused blessings—blessings we can now scarcely estimate—to a rude and insubordinate population.

It has been reserved, for the present noble and worthy proprietor of Sawley, to witness an acute and intelligent mind, directing a liberal and comprehensive system of improvement, raise this long-neglected, but highly-favoured, portion of his estates to the character and position it has long demanded and deserved. A long absent native of the place might, indeed,

doubt the fact of its identity, either from the substitution of new features, or the revelation of those which for centuries have been concealed, until convinced by the majestic and imperishable features of nature around. The rude buildings which time had even failed to invest with the picturesque character of decay, were removed or supplanted by more commodious arrangements; minute and irregular divisions of land were suppressed; the park was divested of its encumbrances; and, from a shapeless mass of rubbish, the outline of a structure has been disclosed, which, though, of course, inferior, by far, to the kindred piles of Fountains and Kirkstall, is suggestive of many highly interesting considerations, and reduces to circumstance and certainty, speculations with which the musing mind had invested forms, of which it might justly deem that every trace and vestige has passed away, "as it were a tale that is told."

Unlike many other houses that will at once occur to your recollection, where a spacious or elaborate structure records, in obvious terms, the progressive affluence of the institution, the buildings at Sawley speak rather of hope deferred than of possession, and more particularly represent the original impulse and intent of the founder, than the energy, the intelligence, or the progressive science of those into whose hands it was subsequently entrusted. A memorandum, in the chartulary of the abbey, records that the first brethren went forth "ad construendum Abbatiam de Salleia, petente et præparante eis locum nobili viro Willelmo de Percy;" but the definite and uncalled-for terms, "quam ego ipse construxi," which Percy uses in his charter of foundation, leave little credit to be claimed, in this respect, by men who were doubtless more intent on the mortification of the tabernacle of the flesh than on the dignity or character of the the place, where this trial was to be fulfilled. Of this original structure, whenever, or by whomsoever prepared, little has been, apparently, left, save the shell of the conventual church. The domestic buildings, indeed, were then probably raised—as, I apprehend, was frequently the case—of temporary materials; and as we know that during more than forty years no opportunity was afforded for their improvement, their condition may have more particularly excited that regret which the good Countess of Warwick expressed in her charter of re-foundation: "tum super prædictæ abbatiæ destructione, tum super prædicti conventus miseria, et tam victus quam vestitus inopia intolerabili."

The material of which the chief part of the existing work, with the exception of the door and window casings, has been

built, is the black argillaceous shale of the country, walled in such laminar and random courses as are more frequently found in the military than the monastic structures of the period. This stone, which appears to have been brought from a quarry above the park, was, however, felt to be unserviceable, as well as unsightly; but the change to boulder stones, gathered from essarted land, was one only for durability; and it was not until the Perpendicular period that ashlar masonry seems to have been adopted.

The chief object of interest is the conventual church, of which I think it may not unreasonably be assumed, both that it was never completed according to the original design, and, most assuredly, that the dissolution of the house arrested the extensive additions that were about to be thus tardily—and perhaps not very elegantly—supplied. The condition in which the work has been arrested has given the very ruin a most singular, and, at first view, perplexing aspect, of which I do not remember a similar instance. The original plan, which remains entire amid the projected and incomplete additions, has been unworthy—however claimed by the asceticism of its occupants—of the wealth, the piety, and the liberality of the Percys. It was, of course, in the form of a cross, but with this peculiarity, that the length of the transept exceeded that of the nave and choir united by not less than twelve feet. The choir, according to the plan observed at this period in the disposition of conventual churches, contributed, externally, only in a subordinate proportion to this space; but it was, surely, neither the design of the architect, nor the willing acquiescence of the convent, which left the nave a mere excrescence on the transept of the length of thirty-nine feet. Both nave and choir having been devoid of side aisles, the transept, by its ample length and corresponding expansion of six eastern chapels, has assumed the appearance of the principal part of the church; and the friends and dependants of the Percys must have witnessed, with mortification, how much more consistently developed was that noble structure which was begun by the Lacys at Kirkstall, or even the less ostentatious house which the disconsolate Lady of Skipton was preparing for the canons at Bolton.

But from whatever cause the plan may have been curtailed, the contraction of the church, in this particular, has both robbed the more than usual expanse of the cloister court of its most effective accompaniment, and has referred the position of some of the domestic buildings to sites not usually acknowledged in the Cistercian arrangement.

The nave of the church has not merely been contracted in its dimensions, but pervaded, frequently, by an oppressive gloom; for though its walls now rise superior to any other portion of the abbey and to the altitude of about twenty-five feet, yet there is no definite appearance of windows, though there may have been two on each side; and the only other light which it could have derived must have been from that which has occupied the ragged fissure in the midst of the western wall. Below this aperture has been the chief doorway; but, as the walls have been industriously pillaged of every fragment of wrought stone, there is nothing left to indicate the form or span of the arch, nor the mouldings with which it was decorated. However the contraction of space, in this part of the church, may have been felt in the processional exhibitions of the convent, it is certain that the absence of aisles, for the purpose of private chapels, had become inconvenient; for outside the northern wall of the nave, and at a distance of twenty-nine feet, is a foundation, ranging with, and prolonged much further than, its length; all doubt of its appropriation, which might have been raised by the apparent absence of a western wall, being settled by the presence of a piscina of the Decorated period, inserted in the previously external wall of the nave. This accomodation was gained, like the previous works of the house, by the smallest possible outlay of labour. There was no communication formed, either by an open arcade or otherwise, with the nave, nor even, after the usual fashion, with the transept. Instead of this, however, an archway or aperture has been formed at the east end of the chapel, which would admit of light, but not of transit; and, in the excess of parsimony, the altar has been formed out of the very wall through which the opening around has been obtained. The soffits and jambs of this arch have been torn away; but what I have called an altar is not a mere mass of masonry that has resisted a violent or mischievous breach of the wall, is proved from the evenness of its eastern surface, and the regularity of its form. The appurtenant piscina, which is distant about eighteen feet, is but a plain, wide, trifoliated recess, with three round and shallow basins, that seem to have communicated with a small walled cistern, of which some remains were traced below the floor.

The foundation of a wall, joined with, and bonded into, the south-western angle of the nave, and running directly west for the space at least of ninety feet, raises the presumption, that the contraction of the nave was not at least voluntary; and as the thickness of the wall is not much less than five feet, and, conse-

quently, unnecessary for a mere boundary or screen-wall for the cloister court, that this indicates the amount of the intended extension, though its intimate connexion with the old work, and and the absence of a corresponding wall, or even foundation, on the north side, renders it difficult to decide whether this preparation had been stayed by the parsimony of the founder, or a change had been determined at the same time as the reformation of the choir, immediately before the suppression. That the work was never perfected, is evident from the existence of the west wall of the original nave.

The transept is spacious and well proportioned; and, in its length of 122 ft., and breadth of 30 ft., announces the design of a church rivalling even that of Fountains, where the transept is only 7 ft. longer. The whole of its area has been reclaimed by the recent excavation; and, though the walls do not exceed the height of 12 ft., it remains in a better state of preservation than any other portion of the abbey. The eastern side is flanked, on each side of the choir, by three chapels, divided by solid walls, according to the Norman plan of annexation still remaining, in much more perfect condition, at Kirkstall. The number and position of the windows in the body of the transept are uncertain; but with reference to the chapels, there is reason to believe that each one has had two lights in the east end, though the divisional wall has not in any instance been retained. The two outer chapels, at each end, still retain very interesting remains of their altars and other appurtenances, but as those adjoining the choir are entirely void, it appears evident that they had been cleared, with an intention of opening them to the aisles of that new structure. Neither the platforms of the altars, which occupy about half the floor of each chapel, nor the altars themselves remain, in any instance, entire; for the wrought stone of the one, and the slabs of the other, would be among the most useful articles of plunder: yet the two altars in the north chapel are worthy of observation, since each is removed a little from the eastern wall, and contains, on that side, a square recess or locker, suitable for the deposit of relics or the sacred utensils.

The floor of the southernmost chapel has been, originally, formed of plain square tiles, each row being divided, diagonally, by a narrow border, with corner pieces, but it has been, apparently, renewed, considerably, in the Perpendicular period, and also disturbed by the insertion of a large slab of freestone, rendered remarkable not only by the sculpture of two foliated crosses, of similar design and dimension, but by its diagonal

inclination towards the north of not less than twelve inches. That this unusual, though not unique, design has not emanated from the fancy of the sculptor is evident, for the removal of the stone disclosed two perfect skeletons, reposed, not in separate coffins, but, side by side, in one undivided grave. These may be remains of those who were connected with the patronage of the chantry, or, certainly, of those whose worldly position has been honourable; but nothing was found to denote the precise period of their decease, or their profession in life; even the sex of each was undetermined. Whether, therefore, it is the sepulchre of those who had enjoyed an unusual share of reciprocal affection, or for whom community in some fatal accident or remarkable undertaking had suggested, to survivors, a commixture of their dust, must rest among the things that are forgotton; nor may the induction of the head dispel the dream of the heart, that "they were lovely and pleasant in their lives, and in death were not divided."

To the south-west of this stone, but in the body of the transept, is another large slab of freestone, covering the remains of William de Rimington, once prior of the abbey, and chancellor of the University of Oxford. The black letter circumscription that has retained this record, encloses a foliated cross, well executed in bas-relief. The prior, in whom, I think, I recognise the author of several tracts against the Wickliffites, which bear his name, and are to be seen among Bodley's MSS., in the Bodleian Library, had, no doubt, sprung from the adjacent village of Rimington, and received the rudiments of his education at Sawley, before he went to the university, over which he presided in 1372. When the stone was adjusted and repaired, his skeleton was found perfect below; and it appeared that, whatever might have been the vigour of his intellect, he, like many other dignified ecclesiastics of old, whose remains have been observed, had been endowed with a tall and athletic frame.

There is no appearance of any interment in the adjoining chapel; and the perfect condition of the pavement leads to the conclusion that these chapels had not been vaulted with stone, but merely covered with a wooden roof, which would be removed without injury to objects below. This floor is, indeed, a very fine example, both as to style and mode of insertion, of the geometrical polychromatic pavements of the thirteenth century. The principal design is circular, and formed by a row of etoiles placed between two rows of lozenges, and bounded by plain concentric borders, the centre being a flower of many petals, resembling a marigold.

The middle chapel in the north cross has a pavement of similar design (represented in the annexed sketch), but inserted in a different fashion in the floor. It is a singular circumstance, that these pavements resemble so minutely one which was found in 1760, on the site of the Abbey of Melsa, that a delineation of the one would convey a definite idea of the other. Indeed, as both these houses were of the Cistercian order, it is not improbable that both pavements had been copied from the very same design.

The pavement of the northernmost chapel is of the same character as that at the end of the south cross. It has been, perhaps, first disturbed for the formation of a grave, and the insertion of a sepulchral slab of mountain limestone, which still remains in the centre. A large plate, on which has been graven the robed figure of a priest, has been torn from its matrix; but as the circumscription has been committed to a material that could tempt no such despicable pillage, we can, fortunately, learn that it commemorates Sir Robert de Clyderow, Rector of Wigan, in Lancashire, and one of the forgotton "Worthies of Yorkshire." This was that bold man, who, when Thomas Earl of Lancaster, in his contention with King Edward II, in 1321, sent into Lancashire for additional assistance, commissioned his son, Adam de Clitherow, and John, son of John de Knolle, to repair immediately to him, with horse and arms, and four other men—an offence for which, two years after the Earl was executed, he was brought to trial, charged also with the further crimes of preaching sedition in the parish church of Wigan, and offering absolution to all such as might be disposed to join the standard of the Barons. Though he was found guilty, and condemned for execution, yet, by a timely and judicious application of his purse, his life was spared; when, as this stone would tell, he either, from necessity, retired to this monastic seclusion, or, at the close of his career, preferred to seek a sepulchre within its walls, rather than amid the scenes of his turbulent ministration.

The inscription on the stone is graven in the Lombardic character, and was, in usual form, as follows:—

"✠ SIRE ROBERT DE CLYDERHOW PERSONA DE WYGAN GIST YCY DIEU DE SA ALME EYT VERRAY MERCY."

A space, equal in width with this chapel, and projecting from it into the transept, has been, probably, an extension of the

confined proportions of the chantry, formed by the erection of a wooden lattice. All definite trace of such an arrangement is, however, now destroyed, and its existence is suggested by the area of the floor being sunk three or four inches below the general level of the transept. The time and occasion of this presumed change is, probably, best indicated by the presence of a noble sepulchral slab, of the fourteenth century, which covers a grave in the middle of the depressed space. It has, unfortunately, never been inscribed, but is a singular, and perhaps unique, specimen of this class of memorials; inasmuch as, besides the sculpture of a finely foliated cross and a sword, it bears, on the other and south side of the shaft, the incised form of an object, to which no name or use has been, satisfactorily, assigned, unless a sling for casting stones was thus intended to be represented.

Another sepulchral slab, of smaller dimensions, forms part of the step of the doorway in the south wall of the transept. It has been placed there, most likely, within the century preceding the Reformation, when many such objects were used in the repairs of ecclesiastical buildings, though with what pretension to Christian feeling is difficult to understand, unless casuistical avarice had suggested that the appropriation of personal memorials to the service of the church was to be deemed venial or commendable. The design represents the head of a cross, formed in the plain, unfoliated, Maltese fashion, the bar and stem being represented by a tremendous sword—a mere fanciful variation, it may be, from the conventional form, but in its high antiquity, and most appropriate display of badge and weapon, awaking the idea that it may have covered the bones of a crusader.

Beside the doorway, to the north, which has been renewed in the Early English period, there has been a communication from the transept with the cloister court, by a plain and lofty arch, still partly remaining. There is also a doorway in the southern wall, with an adjacent opening for a staircase to the gable, and a long flight of rude stone steps in the south west angle, leading to apartments that have surmounted the chapter house. At the time of the excavation there were visible also, in the adjacent termination of the wall of the nave, traces of steps that had led to the rood loft, which appears, from marks of insertion of the timbers, to have been placed here before the extension of the choir.

In clearing the floor of the transept a lead pipe was found to have been left along the greater part of its length; its entire

course could not be traced, but no doubt it had supplied a lavatory.

There are no very evident or conclusive traces of a tower at the intersection of the transept, though it may be presumed that one of a slight elevation has existed. The choir, however, was doubtless continued through this portion of the church, and—though inconvenience might arise by the absence of immediate communication between the north and south cross, and an entire division between those parts and the nave—that it was prolonged to the confines of the latter.

The walls of the original Norman choir, which still retain their original length and about nine feet of their elevation, disclose, in that space, no trace of windows, and the only light by which its gloom could be made visible may have come (as at Kirkstall, where the choir has had, before the Perpendicular period, the same character and appearance) through, perhaps, three narrow loop holes in the east wall, of which the groundwork below the floor only remains. But the monks of Sawley bore this inconvenience less patiently than their brethren on the Aire, and in that period of unusual architectural activity—that "Cantio Cygni,"—that occurred before the Reformation, undertook the erection of a new choir, in a style more suitable to the condition of the house. As this work is now nearly torn down to the foundation, we can only infer the fact of its completion from the existence of a few plain paving tiles in the north aisle, some fragments of plaster on the wall hard by, part of the floor of the high altar, and the discovery, upon and around it, of a large quantity of stained glass of the Perpendicular period: the anomalous presence of the lower part of the lateral walls of the old choir being, perhaps, retained until the erection of a then fashionable lofty central tower: more particularly, as, in the erection of the rood screen, the piers of the old arch above have not been sufficiently respected. The internal length of the new choir, from the outer face of the screen to the eastern extremity, is 118 feet; the width 63 feet, the side walls joining the transept so as to include the width of one of its chapels, on each side of the original choir. When the exterior walls of the old building, which governed the width of the main aisle of the new work, should have been removed, it appears that another intercolumniation was to have been added to the four which had been formed on each side; a number, however, which has only been inferred from the discovery of the bases of the pillars below the floor, for the whole of the superstructure has been entirely swept

away, with the solitary exception of part of the base of the eastern pier, on the north side. Two courses of the pillar have, however, been left; the rest that now appear here having been collected from cottages in the village, or the adjacent farmholds, where one had served as a cheese press, and others had been scooped for hogs' troughs. After the erection of the new choir, the space which the old one had borrowed from the transept was thrown open, and a stone screen placed at the western extremity. As little more than the foundation of this work now remains, it can only be inferred that there had been a cell or closet within its substance on the south, and that a circular staircase was carried up on the opposite side. No part of the front, which has been violently detached, was discovered near the site; but I am convinced that several canopies and fragments of ornamental work of suitable size and character, which were found in the cloister court, near the chapter house, have formed a portion of the screen.

It is grievous to reflect, while viewing this scene of sacrilege and desolation, that, though several unexpected portions and features of the structure have been disclosed, no trace has been observed of those sepulchral memorials of the Percys that might have been reasonably anticipated. "Neither stone nor brass now remains to tell where they lie, and nothing is left to protect their remains but the rubbish which an undistinguishing Reformation has heaped upon their heads." Records disagree as to the burial place of the founder, who died at Mountjoy, on a pilgrimage to Jerusalem. The chartulary of Fountains, and a MS. in St. Mary's tower, at York, transcribed by Dodsworth, state that he was buried at Whitby; but Dr. Whitaker quotes a MS., in the More collection, which says that he was interred at Sawley. It is, however, certain that the founder's great grandson, Lord William de Percy, who died in 1244, was buried here, and that his son, Lord Henry de Percy, who sided actively with king Henry III. during the baronial war, rests in an adjoining grave. Since these interments were made before the enlargement of the choir, it is probable that the graves are either within the original portion of it, or in the chapter house; yet, after the most diligent investigation, no particular spot can be invested with the interest of entombing these long departed chiefs of an illustrious and time honoured race.

At the south end of the transept, and divided from it by a narrow apartment which may have been a vestry, is the chapter house, of which it can only be ascertained that it has been a plain

rectangular, unaisled room, 47ft. long, by 28ft. 10in. wide; and judging from the bases of the doorway shafts, built during the Early English period. The stone benches remain tolerably perfect, and of equal elevation with the walls to which they are attached, but the pavement has been removed; and, except a plain stone, bearing a foliated cross and a pair of shears, in the south-west angle, no traces have been found of the sepulchral memorials of the abbots, or of those persons of distinction whose graves—ten at least in number—are known to remain below.

On the south side of the chapter house are two apartments extending in the same direction, but of which the former use is not satisfactorily ascertained. The one which adjoins the chapter house, and has apparently been entered from it, is 28ft. 6in. long by 15ft. 8in. wide. The next is only 10ft. 5in. wide, and communicates with the other room at the south-west corner.

The entrance of a passage, which runs parallel with the south wall of the last-mentioned apartment, has completed the eastern side of the cloister court, and led from thence to the eastern garth. But the range of buildings has been continned southward, and contained on the basement floor one spacious apartment 80ft. in length and 23ft. in width. This, or the story above it, has, no doubt, been the frater house or common refectory; but to whatever purpose it was originally appropriated it has been subsequently discontinued, for the remains of a partition wall divide it longitudinally, and other traces of minor divisions are apparent. It communicates, on the west, with an apartment destroyed to the foundation, that may have been the buttery, and on the east with ruined fragments that may now represent the minor offices of the house.

One feature in this part deserves particular notice, more indeed for the satisfaction of the curiosity which may be excited by its appearance on the plan than for any other reason. It is part of a conduit or drain 58ft. long and 3ft. wide, and, enclosed, east of the frater house, under which it runs, between two massive walls 12ft. high. Both the bottom and the sides, for the height of about two feet, are lined with stone of much closer grain than the shale of the superstructure; but this precaution has failed to preserve the foundation of the southern wall, which has declined so far from its perpendicular as to have demanded the application of a ponderous buttress. As several arches that have been connected with a demolished superstructure cross this drain during its course, it is probable that a garderobe, and perhaps contiguous dormitories, were placed over this part of a

sewer which carried the refuse of the house to the mill stream which runs at a short distance to the west. There is, at present, no current of water in this direction, but as a large pond immediately above the abbey has been filled up within memory, the course, no doubt, has been supplied from thence. The rising ground to the west is, indeed, full of springs, and one near the park wall still retains the name of "St. Mary's well."

The buildings that form the south side of the cloister court have been demolished nearly to the foundation. It is evident, however, that the refectory—an apartment that has measured 102ft. by 28ft., and has had an Early English doorway—occupied, as usual, the central position; and that the kitchen—of the capacious dimension of 40ft. by 29ft., and sufficiently identified by the presence of three fire hearths—was on its west side. I thought I traced the sill of a hatchway between them, near a great mass of masonry in the refectory, that may have been a kind of sideboard, and stands opposite to what appears to have formed the base of a water cistern.

The west side of the cloister court has also been pulled down nearly to the ground, with the exception of some buildings at the northern angle, which have escaped by their inclusion within some hovels which have recently been removed. The presence of a fireplace here, 15ft. wide, leads me to believe that in the Perpendicular period this part of the structure was enlarged, to form, however unusual the position, part of a residence for the abbot, more particularly, since, at the opposite end of this range, though beyond the limits of the quadrangle, a portion of a domestic building, with an upper and lower floor, is preserved so entire as to have been inhabited ever since the dissolution of the house. The north side was constructed, within memory, of wood and plaster, indicating disruption from some adjacent work; and from the ruin of two large fireplaces in the outer face of its eastern wall, it is evident that it had been annexed to the conventual buildings on that side. The house is of Tudor work, and has, in the west gable, a square-headed window of three lights, having the arms of Old Percy, (azure), five fusils (or), and their badge of the crescent, carved on the corbels of the weather table. The identity of these insignia with those that decorate a very beautiful Tudor bay window of two stages, at Little Mearley Hall, not only confirms the tradition that it was brought from Sawley, but, also, goes far to prove that it formed part of the abbot's house; especially, since a semi-octagonal foundation, of suitable dimension, has been discovered attached to a wall connecting the buildings of which I have just spoken.

These buildings comprehend all that now remains of the main body of the abbey. The farm buildings stood on the south side of the house, and have all been destroyed; excepting a large granary and appurtenant corn-mill, a few hundred yards distant to the west; which, having been apparently erected not long before the dissolution, remain, partially, in tenantable condition. The supply of water being constant and powerful, the building was selected, about sixty years ago, by the father of the late Sir Robert Peel, as a convenient site for a cotton manufactory, and, with the addition of two stories, was used for that purpose for upwards of twenty years. On the expiration of the lease the building was divided into cottages and farm offices, and, subsequently, the mill was destroyed by fire; but the dam and water course are yet maintained; since the command of such a vast motive power is of considerable value, and the removal of a barrier that has stemmed the torrent of the Ribble for seven centuries, might influence the level and direction of the bed of the river, above.

The northern gatehouse stands about 270ft. from the abbey, in the line of the present road, and, until recently, has been encumbered with the rude superstructures of modern times. Like the silken hose of the unfortunate Sir John Cutler, which had been darned so frequently with worsted that no vestige of the original silken material remained, the ancient work appears only in the Tudor arch of the inner and outer walls, which are separated by a distance of 37ft. As the contraction of the arches rendered them obnoxious to the vehicles which now traverse the road, and their removal would not only have deprived the village of a picturesque object, but the abbey, also, of one of its last characteristic appendages, the judicious expedient has been adopted of widening the road, so as to allow carriages to pass by their side.

When the gateway was repaired, several carved stones were brought here from the abbey. One exhibits an interesting adaptation of heraldic emblems to architectural enrichment, in a fillet undulating between two rows of "the Percys' crescent." There is also a small shield bearing their fusils; another and much larger, charged with the fess dancette of the Vavasors of Hazlewood, enclosed within bold and well designed foliage; and a third, with the arms of Mallory of Studley Royal, with the quarterings of Tempest of Bracewell, Conyers and Washington impaling Constable of Halsham. On the south side is a fine but headless statue of the Virgin and Child, surmounted by a canopy

that has probably belonged to the screen of the choir, and standing on a pedestal, inscribed in black letter :—

"S'CTA MARIA ORA PR' NOBIS."

The monks have been liberal in the heraldic commemoration of their benefactors. Two noble shields, bearing respectively the lion rampant, of Percy, and the pike fishes of Lucy, are placed over the door of a cottage in the village. The shields of old Percy and Louvaine, which are enclosed in a piece of Tudor tracery, appear in another house; and there have recently been removed from farm buildings to the site of the abbey, boldly sculptured shields of Percy quartering Lucy—Tempest, and—a lion rampant—perhaps Lacy.

The well-known judgment and ability of Mr. Humphries, of Ripon, under whose direction the excavation of the abbey, as well as the various improvements in the village, have been conducted, might render it as impertinent, as it would otherwise have been pleasing to me, to comment either on the felicity of the design or on its results. The work may be followed as a precedent; and is, unquestionably, the most satisfactory of its kind that has yet been undertaken. Nothing has been added for the sake of ornament or uniformity, nor has anything been substituted or removed as, apparently, superfluous or unseemly.

But as the most precise and judicious direction is, too often, unavailing, especially when it cannot be accompanied by continual supervision, it is not only gratifying but just to acknowledge that the work has been executed by the bailiff of the estate, with such unusual care and fidelity, as to have secured a collection of relics, almost equal in interest to the scene which has been disclosed.

First, both in quantity and curiosity, is the stained glass which has been sifted from the rubbish. Every fragment, however small, has been preserved, and the aggregate is a collection of many hundred pieces, of all shapes and sizes, from half an inch to upwards of four inches in diameter. Many of them retain their texture and brilliancy, particularly those in which the enamel process has been employed; but, by long retention in humid soil, the laminæ of the coated glass have become disintegrated, and the yellow pot metal been rendered so friable, as often to retain little trace of the design which has been committed to it. The greatest mass was found in the chapels of the transept, and not a little under the east window of the choir. It had,

apparently, been pulled down for the sake of the lead, and left, unheeded, on the floor until it became hid by the rubbish from the walls. The Decorated style, approaching in many instances to Early English, prevails, the inconsiderable exception being the draperies of figures of the Perpendicular period.

The length to which my observations have already extended will not now allow me to say what I could have wished, of the many curious specimens of borders, canopies, diapers and drapery, not only useful as records of the history and practice of this beautiful art, but highly suggestive of particular information as to the appearance of the storied windows of this long desolated pile.

One series of subjects, however, must be mentioned, on account of the peculiarity of its treatment. It is of the Early Decorated period, and represents the twelve apostles, each figure with its canopy being represented on a single unleaded piece of glass, 9¼in. long and 3in. wide. These figures have been but slightly injured, and the best of them is now exhibited.

The encaustic tiles which have been found are chiefly of the Perpendicular period, but unfortunately most of them form only portions of patterns, that require the combination of nine or twelve tiles for their completion. One of these has represented a hunting scene, probably in the adjoining forest of Bolland, wherein the circular border is represented by the pales, and the foliage through which the dogs are chasing the stag, is designed with some elegance. Another has borne a shield with a circumscription, of which the words, MERCI GOD, are only legible. Part of a third subject shows a naked figure shooting at two hares, or rabbits, with a bow. Several single tiles have a large Roman W, enfiled by a crosier, forming perhaps part of the sepulchral memorial of one of the abbots. The rose and fret pattern appears to have been as common here as at Fountains, and, like many more, has probably circulated from abbey to abbey.

To this practice here is, however, one exception, both as to design and the manner in which it is executed. It is a tile of the Decorated period, wherein the words, "Johe's Sallay Abbas. xps. ihu.," have been traced with a pointed instrument, when the clay was moist, not improbably, by the hand of the abbot himself.

Besides these specimens of the ordinary mode of ecclesiastical decoration, five examples of works in metal have also been retrieved. One is the branch of a candlestick, which has moved in a grooved perpendicular stem, probably fixed to the stalls or the lectern. Another is part of a very late ornament in latten, which has been intended for application to some article of wooden

furniture. The rest are perforated plates of lead, three inches square; two of them displaying a traceried design like that of a rose window; the other, a simple trellis. They are all designed with remarkable taste, and show how skilfully and almost intuitively the mediæval artists produced a class of ornaments, for which we can, now, substitute little better than a mere quotation of incongruous architectural detail.

There has also been found here, during the excavation, a long bronze pin, similar to those often found in Roman stations; part of the plain clasp of a book; a small pair of tongs for trimming the lamps; and, more unexpectedly, part of the bell of a falcon.

The only other relics that require particular mention are three pieces of sheet lead, which have been cut by a chisel into their present shape, as templets for tabernacle work. They retain the puncture of the compasses and the lines by which their proportions have been determined; and are, so far as I can ascertain, the only working models of a mediæval artist which have yet been discovered.

IX.—ON KIRKHAM PRIORY. Read at the Meeting of the Yorkshire and Lincoln Diocesan Architectural Societies, at Doncaster, Sept. 23, 1857. By JOHN RICHARD WALBRAN, Esq., F.S.A., Mayor of Ripon.

Among the various and conflicting motives that originated the foundation of religious houses, few—after the testing revolution of seven centuries of opinion—will appeal more directly, or more sensitively to our hearts than that which made *Kirkham* a place "Holy unto the Lord for ever."

Of the conscience-stricken pangs that were comfortably to be stifled by the bestowal of a superfluity which cost the givers nothing,—of the death-bed concessions that were to charter a seat in heaven by a forgone inheritance in earth, it would ill become us—beings weak and imperfect as our forefathers—to dogmatize on that which, we trust, eternal purity may have pardoned; yet, too surely must I deem that many a sorrowing heart within these walls can sympathetically interpret that stern

message to our founder—"Behold, I take away from thee the desire of thine eyes with a stroke."

The facts of the incident were first published in the Monasticon Anglicanum[1] from a volume of collections, now preserved among the Cotton MSS. in the British Museum, where it is marked *Vitellius, F.* 4. It records with considerable minuteness that, in the reign of King Henry the First, Walter L'Espec was the Lord of Kirkham and other large estates in Yorkshire and Northumberland—the rewards of uncommon bravery in the wars of the period; and that by Adeline his wife he had an only son, who bore his father's Christian name, and was distinguished by the same high mental qualifications and noble form. This young man delighted much in equestrian exercise, a pleasure which eventually cost him his life; for, one day, when riding at a great pace towards Firby—a hamlet about a mile to the north-east of Kirkham—his horse, urged beyond its speed, stumbled near a small stone way-side cross, and threw his rider to the ground, who, having broken his neck, immediately expired.

When the intelligence of this sad bereavement reached the young man's father, he sorrowed not as they who have no hope, but—as the record says—having invoked the grace of the Holy Spirit, consulted with his friends as to the disposal of his property, especially with his uncle William, the Rector of Garton near Driffield, on whose counsel he much relied. His advice was, that a portion of his estate should be devoted to the service of Him who had given and taken away; and, after the prevailing fashion of the day, this purpose was effected ultimately by the foundation of three monasteries—Kirkham, Rivaulx, and Warden in Bedfordshire. Kirkham, from its proximity to the spot where the misfortune occurred, was, of course, the first offering of his submission to the will of God. It was founded on the 22nd of February, 1122, when it was dedicated to the honor and glory of the Holy Trinity, and devoted to the rule of St. Augustine; William, L'Espec's uncle, who was a Canon of Nostel, being appointed the first Prior. Rivaulx was founded in 1131, and Warden in 1136; but both these houses were colonised with Cistercian monks, the diversion of the founder's bounty having been directed towards this rising and reforming Order by

(1) "Dominus *Walterus Especke* miles strenuus et decorus in ætate juvenili uxorem duxit quandam, nomine *Adelinam*, quæ concepit, et peperit ei unum filium nomine *Walterum*, similem patri suo. Qui formosus factus adolescens multum delectabatur in equis velocibus equitare. Contigit ut quadam die, cum equum velocem ascendisset et ipsum ad currendum ultra vires urgeret, apud parvam petrinam crucem, versus *Frithby*, equus suus graviter cespitavit: et ille subito de equo cadens, collo suo fracto, vitam finivit temporalem," &c., &c.—*Cotton MSS. Vitell. F.* 4.—*Mon. Angl.* i, 727.

Thurstan, archbishop of York—a friend of St. Bernard—who, in 1132, founded the great abbey of Fountains.

"Pro reorum venia Kirkham domus bona
Rievallis deinceps, et hæc tria, Wardona
Est fundata primitùs à dicta persona,
Pro quorum meritis datur illi trina corona."

It is a remarkable circumstance that in the charters by which these abbeys were founded, Espec, though he states particularly in that of Rivaulx that the donation was made for the souls of kings William and Henry, for the souls of his parents, his wife's parents, and their ancestors, and for that of Hugh de Wildecher, never alludes in any shape whatever to the loss of his only child. There is a parallel case, however, in the charters of the foundress of Bolton Priory.

The tradition of the neighbourhood has kept, as usual, its irregular pace with the more authentic record; and I have been told by one born near Kirkham, and much more able to have addressed you on the subject than myself, that when peasants—

"In winter's tedious nights sit by the fire
With good old folks"—

and tell their tales, it is *their* legend that the Lady Adeline had such a strange prevision of coming sorrow, as led her vehemently to dissuade her son from hunting on the fatal day—that, after he had slighted her admonition, he was observed about evening, by a wayfaring man, riding at full gallop towards Firby, and had scarcely ascended to a place where a spring of water gushed from the hill side, when a wild boar, darting across the road, startled the horse, which dashed its master's head against a stone that now forms part of the cross before the Gatehouse, and then dragged him by the stirrups to a place where he was found, and therefore chosen as the site of the high altar of the Priory.

Like many other traditions, this, evidently, is but an adumbration of the truth; yet in the present state of society, when so much of our folk-lore is passing away from us, it must not be left unrecorded.

Of the personal history of the founder, who must ever occupy a prominent position among the worthies of the kingdom, all who are but imperfectly acquainted with the history of their country will—amongst other services which he rendered during a long and earnestly-purposed life—remember that wherein his eloquence and his valour contributed in a triumphant degree to the victory gained by the English over the Scots at the memo-

rable "Battle of the Standard." Yet, I cannot refrain from portraying him to you when, in his harangue to the army, he swore, grasping the hand of the Earl of Albermarle,[1] on that field to be victorious or to die, and roused the religious enthusiasm of the hearers by the assurance that "angels and the saints of the churches which the enemy had profaned, would fight with them from the clouds and avenge the innocent." "He was now"—says his illustrious friend Aelred, abbot of Rivaulx, the historian of the battle—"an old man, and full of days, quick witted, prudent in council, moderate in peace, circumspect in war, a true friend and a loyal subject. His stature was passing tall, his limbs all of such size as not to exceed their just proportions, and yet to be well matched with his great height. His hair was still black, his beard long, and flowing, his forehead wide and noble, his eyes large and bright, his face broad but well featured, his voice like the sound of a trumpet, setting off his natural eloquence of speech with a certain majesty of sound."

Such was our founder, fourteen years after arrows sharper than those he braved on that day had pierced his breast. So magnificent a soul has seldom been as fitly lodged in its tenement of clay!

After a similar revolution of time, he retired from the strife and contention of the world, and, singularly enough, chose his home, not at Kirkham, but at Rivaulx: drawn thither, it may have been, by a desire for more intimate and daily communion with the abbot Aelred; of whom it is now enough to say that he was "neither in piety or genius unworthy of his master, St. Bernard."

After passing about two years in monastic seclusion, Espec died in the year 1153—his wife surviving him—and was buried on the 9th of March, at Rivaulx, far away from him whose loss had embittered his soul. Yet, let us humbly hope that they who were thus sadly severed, both in life and in death, have not parted at the gates of heaven.

Amid the ruin of that beautiful and noble pile, which "once was holy and is holy still," there is, now, left no memorial to guide even a sympathizing pilgrim to his grave—nothing to protect his once venerated form from the intrusion of the meanest hind.

(1) In 1139, on the feast of St. Hilary, the Earl of Albermarle, who has been styled "*præclarus comes et eximius monasteriorum fundator*," founded the Priory of Thornton in Lincolnshire; and in the following year, and on the same feast, "Waltheof—his kinsman, and Prior of Kirkham—went to Thornton, taking with him twelve canons of Kirkham, whom he established in the new monastery, constituting one of them, named Richard, the first Prior.

It would avail little, for a purpose like the present, to investigate the topography of Kirkham before the foundation of the Priory. Yet, it may be useful to remark that when the *Domesday* survey was taken it was a large and important manor, consisting of eight carucates or upwards of eight hundred acres of land, which in the Saxon times had belonged to the powerful Waltheof, but then to the Earl of Moreton. That it had suffered its share in the military ravages that had depreciated the value of all the adjoining property. That a mill had been advantageously worked by the river Derwent; and that woodlands, a mile long by ten perches broad, fringed the banks of that lovely stream—that must have sighed in the ears of the Conqueror's surveyors with the same fitful melancholy cadence as might have solaced *our* hearts to-day. It had also, at that early period, a church, and even an endowed minister. Judging, therefore, as much from its Saxon name, "Chircham," or the Church-stead, as from its immediate proximity to a great river and an influential nucleus of civilization at Malton, we may not err much in believing that it had been one of those early missionary stations where the site of the mother church had marked the scene of some such extraordinary baptismal regenerations as are recorded by the Saxon historians in honor of Paulinus or Augustine.

The bounty of the founder, as might have been expected, was dealt out with no niggard or parsimonious hand. He bestowed not in high sounding legal words, like many that might be quoted, lands *by the mile*, that *still* furnish only sustenance to wild birds and amusement to the sportsman; but, heeding, as it would seem, the admonition of St. Augustine—"With what face canst thou expect an inheritance from Christ in heaven, that defraudest Christ in thy inheritance, here on earth?"—he bestowed upon his Priory these most munificent gifts—two parts of the tithes of Bolton in Northumberland—the town and church of Carham-upon-Tweed—the church of Garton, with more than a hundred acres of land in a place called St. Michael's Flat—the church of Helmsley Blackmore, with a like quantity of land, and pannage in the great oak woods there for their swine and pasturage of cattle—the church of Hilton—two parts of the tithes of the mill of Helton in Northumberland—the tithes of all the farms at Howsham—the church of Kirkby Grendale—the tithes of his demesne lands at Linton—the churches of Linton and of Ross—eight hundred acres of land in Sixtendale—the manor of Titelington—the entire towns of Whitwell and Westow, together with an extensive and valuable right of fishing in the Derwent,

and the tithe of Howsham mill. He was, in fact, the first and last great benefactor to the Priory—for all the other charters to the house that I have seen, and I believe I have nearly seen them all, represent nothing more than dearly bought "confirmations" from the Crown, the Pope, or the Lords Paramount of Fees; or donations of mere scattered oxgangs, that it is useless to recapitulate.

After Espec's death his estates—still of immense value and extent—were divided among his sisters, Hawise, Albreda, and Adeline. The eldest had married William de Bussy, a member of a very influential Yorkshire family at that time; the second, Nicholas de Traily, of whom little or nothing is known; and the youngest, Peter de Roos, who, subsequently and wisely, left his paternal estate of Roos, in Holderness, and became the founder of the great baronial family that built the castle of Helmsley, produced men that joined in wresting Magna Charter from King John, fought valiantly at the battle of Lincoln—in the wars of Gascony—against the Scots and the Welsh—at the battle of Evesham—shared in the glory of Cressy and Poictiers; and, at length, in the reign of Henry VII, 1508, (after having provided their country with such a succession of warriors as few families can display), left—through an alliance of the daughter of Lord Thomas de Roos, who shared so bitterly in the disaster of Towton field—their vast estates in the possession of Sir Robert Manners, ancestor to the present Duke of Rutland.

To Adeline, his youngest sister, Walter Espec especially committed and gave, as he had given also to his wife, the advowson or right of patronage to his monasteries of Kirkham and Rivaulx: and within their now bare and roofless walls many of her descendants are now sleeping their last and dreamless sleep, unconscious that the coveted requiem that was to have been sung—for ever—above their gentle dust, is to be, fancifully, heard only in the murmuring of the passing stream, and the diapason of the winds that are toned through the ruins that mark their last earthly dwelling place.

Among the burial places of the family that are particularly recorded, we learn from a Chronicle or pedigree entered in the chartulary of Rivaulx abbey, which I have previously quoted, that William de Ross, who, even in his father's lifetime, was an active supporter of the baronial and popular cause against King Henry the Third, was buried in the church of Kirkham, before the high altar: that his son, Lord Robert de Ross, the redoubtable warrior, once rested there beneath a marble tomb, on the

south side of the choir: that his son, Lord William, the sworn foe of Scotland, and a great benefactor to the house, had his grave and a marble tomb on the other side of the choir: and (so affectionately did they cling to the place, when feudal ties might have withdrawn them, in death, elsewhere) his son William, the third baron, another noted soldier, chose also his grave and had a marble tomb here, by the side of his grandfather.

Though the monks might have *read* that—"Monuments at last memorials need"—they hardly would have *believed* that this little volume, which they must have often used familiarly, would ever become the sole record of honoured objects, whose site should one day be trodden in open air, by the beasts of the field.

Although the lot of the canons of Kirkham had been cast in a beautiful and pleasant place, so that—unlike the first poor brethren of Bolton, Sawley, Kirkstall, Jervaux and Byland—they had no occasion to importune their patron to be delivered from an exile condition on barren or inclement moorlands—places, as chronicles say, of "horror and vast solitude," where, to use a modern phrase, "a provisional" convent might be cheaply gratified in their intended exercise of asceticism—it would appear that, about a century after the period of the foundation, they meditated a surrender of their house and property to the monks of Rivaulx, and intended to establish themselves in the parish of Weaverthorpe, twelve miles east of Malton. The *motive* is no more apparent to *us* than that which induced the monks of Rivaulx to meditate a translation of *their* house in 1158—five years after the death of the founder—to "Stainton near the sea," midway between Whitby and Scarborough—a fact not generally known. The intentions of our canons, however, is indisputable; since the indenture or agreement between the monks of Rivaulx and the canons of Kirkham is entered, at length, in the Coucher book of the former house.

After a preamble which states that the concession was made "for the love of God, the health of their souls—for the sake of establishing a common feeling between the houses,—for the peace and honor of the prior, and at the wish and desire of their patron"—motives in which the last recited was doubtless the most operative and predominant—the record goes on to say, that the canons had, in consequence, granted to the house of Rivaulx the estate of Kirkham, with its priory and other edifices, their gardens, orchards, mills, and all other things there except one barn (of course of wood) which they wished to remove; likewise Whitwell and Westow, and upwards of four hundred acres

of land in Sixtendale, which the patron held in his own hand, together with another hundred acres of land and one hundred sheep.

In exchange for this was to be given to the canons not—*mark*—by the monks of Rivaulx—but by the common patron, Lord de Ross, (whom some people probably suspected looked upon sweet Kirkham's lawn as a kind of Naboth's vineyard, from his dreary moorland castle at Helmsley,) the whole of Linton and Weaverthorpe, with the appurtenances of the latter, free from all services whatever; the prior and his friends undertaking to build a sufficiently large church, a chapter-house, a dormitory, and a refectory, *of stone*, with other offices *of another material*, namely, an infirmary, a store-house, hospitium, bakehouse, stable, granary, and barn; also a good mill, if the same could be provided at a reasonable cost. The canons stipulated, also, that on their departure from Kirkham they should be allowed to take with them all their "mobilia," specifying not only their crosses, chalices, books, and vestments, but also their painted windows, which they would replace with white glass. They would leave, also, any one of the bells which might be selected. There is no date to this very singular document, but some internal evidence appears to refer it to an early period in the 13th century. We may, therefore, suppose that, on the abandonment of the project, the canons began the reconstruction of their choir and chapter-house—works which must once have worthily held a high place amongst the architectural triumphs of Yorkshire.

Beyond transactions with reference to their estates or privileges, there is nothing more worthy of mention (on an occasion like the present) in the quiet and monotonous history of the Priory, until the time of its dissolution; unless—as an illustration of mediæval marvels—I may be allowed to report a story told by St. Bernard in the life of his friend Malachy, archbishop of Armagh, in Ireland, which occurred when he came to York, on his passage to Rome.

He says—*but remember that he is speaking to you after a lapse of seven hundred years*—"In the town of York, there came to wait upon him a man of noble parentage, William, Prior of the Brothers Regular at KIRKHAM—now a monk and abbot of our Order at Melrose—who, humbly and devoutly, recommended himself to Malachy's prayers. Seeing that the bishop had many in his company and but few horses to carry them, he offered him his own, only adding that he 'was sorry that it had been bred a draught horse, and that its paces were somewhat rough. I

would gladly offer you a better,' said he, 'if I had one; but if you will be contented to take the best I have, it may go with you.' 'I accept it the more willingly,' said the bishop, 'because you say it is worth little—not that I can count anything of little worth which is offered with such extraordinary good-will.' Turning, then, to his attendants, he said, 'Saddle me the horse, for it is a seasonable present, and it is likely to serve me long.' When saddled, he mounted it, and though at first he found its paces rough, after a little time, *by a marvellous change*, the motion became as pleasant and as gentle an amble as he could desire. And that no word which he had spoken might fall to the ground, the same animal never failed him for more than eight years afterwards—the time of his own death—turning out an excellent and most valuable palfrey. And what made the miracle more apparent was, that from iron-grey the horse began to grow white; so that, not long after, you could not find a horse more perfectly white than he became."

When the greatest intellect in Europe could solemnly relate a story like this—believing it to be a miracle—let us judge more mercifully of the delusions and distractions of our simple minded forefathers.

Whether the dissolution of the convent was accomplished by force or by fraud, we know not. It appears only, from the instrument of surrender, now preserved among the records of the Augmentation Office in London, that on the 8th of December, in the 38th year of the reign of Henry the Eighth, the canons met for the last time in their noble chapter house, and appended their signatures to the document, in the following order—

| | |
|---|---|
| John Kildwick, Prior, | William Lawson, Sub-Prior, |
| John Blacket, Priest, | Stephen Chapman, Priest, |
| Thomas Catton, Priest, | John Hawthorpe, Priest, |
| Richard Seymere, Priest, | Richard Bayldon, Priest, |
| James Parkinson, Priest, | Richard Morwyn, Priest, |
| Edmond Newton, Priest, | William Beckfield, Priest, |
| Anthony Watson, Priest, | Robert Atkinson, Priest, |
| | Peter Wilkinson, Deacon, and |
| | John Nowell. |

These were the men who consented that Kirkham should become a solitary place, a desolation, and a wilderness of ruins.

In 1553, seven of them were living and in the receipt of a pension of £5 6s. 8d. each. The Prior, who had received £50 per annum, was then, I believe, dead.

I abstain, for obvious reasons, from reciting the legend called

"The Curse of Kirkham," which tells in long genealogical array of the hapless fate of a family who are supposed to have benefited largely by the dissolution of the Priory.

When the King's survey was made in the 26th of Henry the Eighth, the annual value of the estates belonging to Kirkham amounted to £300 15s. 6d., a sum which, at the very least, would not now be sufficiently represented if multiplied by ten. I have not been able to discover the inventory of their personal property taken at the Dissolution, but Cole, in his MSS., now in the British Museum, says that there were taken away 30 fodder of lead, 442 ounces of plate, and 7 bells: one of these bells is said to be in the church of Appleton le Street, but upon examination I found it was of later date; most probably it has been recast, for it speaks with a mediæval tongue.

The Chartulary, or Register of the charters of the Priory—a volume containing very valuable topographical and genealogical information—though nothing illustrative of the architectural history of the house—is preserved in the Bodleian Library at Oxford, to which it was given, among his other manuscripts, by Lord Fairfax. He had obtained it from Roger Dodsworth, the great Yorkshire antiquary, who it, otherwise, seems, felt, like myself, a particular affection for the place.

I have seen impressions of two seals used by the canons, and they are interesting as showing how a particular subject was treated at different periods. The oldest is especially worthy of consideration, since—as is very seldom the case—it is doubtless coeval with the time of the foundation. It is of an elliptical or or oval form, bearing within the circumscription SIGILLVM SANCTI TRINITATIS DE CHIRCAM, a figure of the "ancient of days" sitting upon the rainbow, the left hand holding the book, and the right uplifted in the act of benediction. The peculiar position and the casting of the drapery indicate that the figure has been copied from some Saxon work. In fact, in the Benedictional of St. Ethelwold, a manuscript of the tenth century in the library of the Duke of Devonshire, is an illuminated figure resembling it precisely, and bearing the inscription TRINITAS VNVS ET VERVS. It is engraved in the twenty-fourth volume of "Archæologia."

The other, and much smaller seal, appears to have been made about the year 1300. It is of oval form, and has, perhaps, been fabricated on the temporary loss of the other, or for the use of the Prior, for in the only impression I have seen, the legend, with the exception of the word "KIRKHAM," is obliterated. It represents the same Divine Being, as the older seal, sitting, not

on the rainbow, but on a plain seat under a canopy, having the book and the uplifted hand. In a compartment at his feet is the figure of a canon praying, the space on each side being adorned with the "water bouget" of Lord Roos. The same charge occurs also on each side of the canopy above, between two wheels, for Espec.

The house does not seem to have produced any members of celebrity. I have not been able to ascertain, however, whether or not Walter de Kirkham, bishop of Durham, who died in 1260, was, either by birth or education, connected with the place; or, also, Dr. Thomas Kirkham, who surrendered his house of the Grey Friars at Doncaster to Henry the Eighth, and was executed in 1547 for taking part in one of the risings of that period. One William Kirkham, abbot of Haltemprize, died in 1506. In the Cotton MS. *Titus, A. xix., p.* 524, is a treatise by "Nicholas Walkington de Kirkham de bello Standardi."

From this fragmentary history of the institution, I now proceed to the consideration of the building, or—as a trespass board at the gate more properly and pathetically terms it—"the few stones," that represent it: for the church, chapter house, refectory, and such principal parts as usually form the most important and interesting subjects for examination in a monastic building, are all but laid level with the sward—and two or three features in what is left will alone engage the eye of a casual observer. With the exception, indeed, of the gatehouse, a suggestive fragment of the choir, and the inner walls that had been reserved to bound the quadrangle for agricultural purposes, little or nothing has escaped the hands of sacrilegious despoilers. There is a creditable tradition that the building was used as a quarry when Howsham Hall was built, fifty years after the Dissolution; but whether this or more insidious demands for erecting farm buildings, or repairing the roads, reduced it to its present condition, I am unable, of course, to ascertain. I know only that, within the last century, it has presented much the same appearance that it does now. Here is Buck's view of it, taken in 1721, a wild distempered dream, surely, as to particulars and perspective; though, perhaps, acceptable in the main.

The ruins stand on the eastern side of the river Derwent, and in the curvature of a densely wooded part of the vale—the very beau ideal of a poet's dream of seclusion and rest. The road from York to Malton passes immediately in front of the Gatehouse, crossing the river by a bridge of three arches, of which one is of the Early English period. In a plan of the

Ruin, made in the year 1754, and now exhibited, the more modern part was represented by four wooden arches. A little further up the road is noted also, the site of a "stone arch," as it is called, "under the high road, for the easier conveyance of provisions and fuel to the Priory:" but of this work no trace now remains.

In advancing to the Gatehouse, the first object that attracts attention is the square base of a cross, apparently of the same age, elevated on three steps, most likely supplied when it was repaired, as Gent, in his history of Ripon says, by Madame Crowther, the owner of the Priory, above a century ago. It is ornamented with two reversed trefoils, on each side, and (sturdy tradition notwithstanding, that this *was* the veritable stone against which Espec's son dashed his head) has no doubt served as a "market cross"—though I find no such chartered privilege granted to the Priory. The villagers and pleasure seekers of a wide district, however, still congregate here on a particular day in Autumn, although jackdaws and starlings and larks are the only articles of commerce. They call the meeting "Kirkham Bird Fair."

Though it is evident, from the decoration, which cannot be referred to a period earlier than the time of Edward the First, that this is not the "fatal stone," I fancy that the base of the cross to which the chronicle alludes may yet be seen a few hundred yards higher up the side of the valley, at an angle where a lane branching from the main road leads to Firby. It not only satisfies the tradition in respect of its position, but also by its Saxon or early Norman date, being two feet six inches square by two feet deep: the base of the shaft, according to the matrix, having measured twelve by eleven inches.

The Gatehouse has been a building of considerable size, with reference to the domestic structures of its period, and was erected in a plain and becoming fashion in the latter half of the twelfth century. On the west side of the archway is a small apartment that has been vaulted, with another above; and, on the east, a much more spacious room, that has also been vaulted, and had an elliptically headed fireplace inserted in the Decorated period. A chamber above, of similar dimensions shows a flat trefoil-headed doorway opening into a vacant space once occupied by a garderobe, the drain of which, in its descent to the river, passes through the house; and being still partly visible has contributed another to the long list of "subterraneous passages." This part of the building has been very probably used as a hospitium or an

infirmary for the poor of the district. Indeed, as Gent, writing about the year 1733, calls it the "Guest House," and his inductive powers were but feeble, I presume it then traditionally bore that name. The central compartment, or gateway proper, has extended two bays of vaulting in length, but they are now entirely destroyed. It was inserted or rebuilt in the early Decorated period; a circumstance that has originated the common idea that the whole of the building was erected at that period. The outer or northern face (which within the last century seems to have been taken as the pictorial exponent of the whole Priory, judging even from the collection of plates which I now exhibit) is not only a remarkably picturesque, but a highly interesting example of a monastic gateway. The photograph I now present, will convey to you a far more definite and clear idea of its general appearance than I could otherwise provide; and I will therefore touch only on the details. Here then, below the cornice, will be observed four shields of arms: the first, those of Clare, or, three chevrons gules: second, three lions of England, for Plantagenet: third, gules, three water bougets, ar. for Lord Ros; and, fourth, chequey or and gules, for Vaux, being the particular bearings of Gilbert de Clare Earl of Gloucester, who married Joan of Acre daughter of king Edward the First—and of William the second Baron de Ros and Patron of Kirkham, who married Maud the younger daughter of John de Vaux of Freston in Lincolnshire. As the earl, who probably appears here in consequence of Lord Ros having held of his fee in these parts, died in 1296—and Ros in 1316—there would have been little difficulty, even before the styles of Gothic architecture were discriminated, in ascertaining the date of the work. It must be remarked that in these instances, as in those below, the arms of the man and his wife are not *impaled* within one shield as became the rule at a subsequent period, but are placed on separate *military shields;* that of the male occupying the dexter side, even when a subject had married the king's daughter.

A niche at each extremity below is now empty. I see, in a sketch taken about a century ago, the eastern one held a broken figure, which I believe to be the same that Gent describes as that of St. Peter, with the keys in his hand and a church in his right hand.

The figure sitting within the vesica, which the same industrious observer deemed to be "Pilate sitting in Judgment," is the representation of the Trinity, copied from that seal of the house which had then recently been engraved, and which I have previously described.

The two niches below retain their figures: the one headless and handless, and therefore undistinguished by any symbol; the other a male figure holding an immense and ragged staff; and therefore we may presume intended to represent St. Bartholomew. The niche above the apex of the arch-way is empty, but is remembered to have contained a sculpture of Christ upon the Cross.

The shields above the string course of the two windows are those of the founder, Walter L'Espec (or at least such as were assigned to him, probably after his death), gules, three wheels of five speks, or spokes, argent—and of Greystoke baron Greystoke, barry of ten argent and azure, over all three chaplets gules—the presence of which I cannot at present either genealogically or otherwise explain; though there must have been a good reason for placing the shield in company with that of the founder.

Neither can I appropriate the shield of some once noted person, below, who had borne "a bend" for his arms, and married, as I presume from the adjacent shield, a lady of the family of Ros—not only because several families (as Mauley, Paynel, Stopham, and other eminent families) used this charge, with differences of tincture, but because the pedigree of Ros is, like many more, singularly defective in notices of the younger branches of the family.

For these combined reasons, also, I am unable to say of what family was the lady who married the Ros, who was "commemorated," as the sculptor thought, for ever, on the other side of the arch, for a cross patonce was then a very common bearing.

In reviewing the records of the past, there are few things that remind us more touchingly of the frail impotence of man's purpose and the insecurity of his institutions than when monuments like these, at length, crave a memorial.

In the shields of Ros that appear on this Gatehouse, I must remark that there is a peculiarity in the shape of the water bouget which I have seldom observed elsewhere; for instead of the outline of the lower and bulbous part being plain, a small loop is attached, on each side, as if to facilitate the carrying or the emptying of it. It is very much to be regretted that we have no sufficient collection of carefully drawn mediæval heraldic bearings and charges from glass, manuscripts, and authentic sculptures like these—as we have of many other antiquarian subjects.

Below these shields, and on each side of the archway, are two

sculptured, but weatherworn figures, having their separate canopies and brackets in high relief. The one group had always been said to represent, and that no doubt truly, St. George; who, on foot, is confronting a dragon with a most Runic like convolution of tail, and advancing to the onslaught with such dire impetus as might be derived "tali auxilio." Tradition and successive writers have averred that the other group commemorates the combat of David with Goliah. I doubt, however, this assertion; though the goggle eyed giant, that appears once to have been invested with all the nursery horrors of the malignant "Blunderbore," is assailed by a person of much less stature, but so mutilated that nothing can be inferred either from the fragment of his shield, the weapon that he carried, or the armour in which he has been apparently invested—for, considering there is an equal display of secular as of ecclesiastical feeling in the decoration of this façade—that the great military renown of the founder was acquired in the memorable engagement with king David of Scotland, at the Battle of the Standard—was most worthily maintained in the Scottish wars by his descendants in the line of Ros, and most especially by that member of the family who was *then* the patron of the house—I take it to be far more probable that the Canons, in this sculpture, (coupling it with the combat of the patron saint of England on the other side of the arch,) intended rather to represent, either in general feeling or particular incident, the services of their patrons against the Scottish foemen of England (believed then to be savages and giants), than the more memorable, though to them far less interesting, incident recorded in the Hebrew Scripture.

The inner face of the Gatehouse seems to have been ornamented with sculpture also; for Gent says that, when he was here about 1730, he was informed "by an old man named Robert Bell, who was born in 1654, and sprinkled in Oliver's time, that he remembered the inward side of the gate then demolished, over which was the Virgin Mary with our Saviour in her arms; and, also, St. Catherine with her wheel." At the time of Gent's visit, "some part of the building under curious arched work"—as he says—"had been recently converted into an alehouse."

We now pass into the Close: observing, by the way, that a chapel—the site of which is marked on the engraved plan of 1754, and said to have been built out of the ruins of the Priory—stood between the Gatehouse and the Conventual Church; but is now entirely destroyed.

There is little left except hillocks of rubbish to mark the site of the Conventual Church. It appears to have been upwards of 300 feet long, and, therefore, in the first class of the Yorkshire houses. Of the Nave—that has measured about 130 feet in length—nothing remains but the plain base of the south wall, that tells us it was of the Founder's time, and had no aisles. Judging from the form of the rubbish, the transept has been of this date and had three eastern chapels in each wing. The choir is level with the sward, with the exception of a solitary lancet window—one of the three that graced its eastern extremity—sufficient, however, to prove that this part of the fabric, which had been renewed upwards of a century after the foundation, had been second to no building of the kind, even in Yorkshire.

South of the Choir, the irregularity of the ground probably marks the site of the residence of the Prior.

We can see so much where the Chapter House has stood as informs us that it had been of the rectangular shape—not an octagon as in some houses of the Austin Canons—of the unusual dimensions of about 80 feet by 30 feet; and, from a few bases of the arcade which adorned the interior, of the same Early-English period as the Choir.

Between the Chapter House and the south end of the transept of the Church, has been a small apartment with a bench on one side, as at Thornton Abbey, in Lincolnshire; but it is not certain to what purpose it has been applied. The rest of the buildings that formed the east side of the Quadrangle are irretrievably ruined and lost.

The south side of the Quadrangle was entirely occupied by the Refectory, which stood east and west, contrary to the ordinary rule. It is also remarkable that it had no windows towards the Quadrangle. It was entered, towards its western extremity, by a highly decorated doorway of transition-Norman work, engraved in the Oxford Glossary. The south and western walls have been removed, and the eastern one is quite plain.

The swift declivity of the ground allowed the formation of a vaulted cellar below the whole length of the Refectory. Some of its octagonal pillars have recently been opened out; and from their capitals, it seems the work has been of the Early-English period.

On the western side of the Quadrangle, and on a level with it, was the Dormitory; and, below, a range of vaulted cellars or storehouses; but the whole was wantonly pulled down in the last century, except the wall towards the Quadrangle.

This wall, on the other side contains, however, an object of extraordinary interest, in the celebrated Lavatory, made familiar by pictorial illustration. It is placed by the side of the Refectory door, so as to afford the Canons the facility of performing their ablutions before proceeding to their meals, and has been erected probably towards the close of the thirteenth century.

The Font, which is represented as standing by the Lavatory, in the masterly etching of it by Prout, has since unfortunately been removed from the Priory; and may now be seen in the church of Acomb near York. There is a large and clever engraving of it by the late Mr. Fowler of Winterton. It is a very singular specimen of debased Perpendicular work; and wherever it may have originally stood, no doubt was intended for the baptism of those who were born in the large extra-parochial district which surrounded the Priory.

Besides the offices I have noticed, there are, on the south side of the site, other fragmentary and confused vestiges of buildings, buried in rubbish—but canopied with aged and luxuriant trees, that harmonize so well with the feeling of rest and tranquillity that has descended upon this solemn and lovely spot, that the most enthusiastic antiquary could not wish for their removal.

Such then—briefly and imperfectly told—is the history of Kirkham Priory:—a history which, in reference at least to the unfortunate event which occasioned its foundation, may be appropriately closed by the reflection of the poet Longfellow—

> We see but dimly through the mists and vapours,
> Amid these earthly swamps;
> What seem to us but sad funereal tapers
> May be Heaven's distant lamps.

X.—OBSERVATIONS ON THE HISTORY AND STRUCTURE OF THE BLESSED MARY OF BYLAND. A Paper read on an excursion made there by the Yorkshire Architectural Society, June 22nd, 1864. By JOHN RICHARD WALBRAN.

As the time placed at my disposal is but short, I must refrain from entering at length into the early history of Byland Abbey, and will refer only to those circumstances which originated the institution, and occasioned three separate sites to be occupied by its monks, before they settled on the spot where we are assembled: a fuller introduction will, however, be the more readily dispensed with, since the Chronicle of the House, written by the third abbot, in the time of King Richard the First, may be read in the first volume of the *Monastican Anglicanum*.

In the year 1134 twelve monks left the Abbey of Furness in Lancashire, under the patronage of Ralph Meschin, and settled at Calder, about four miles from Egremont in Cumberland. After they had continued there for the space of four years, and were beginning to erect a monastary, their dwelling place was destroyed in an invasion of the country by David, King of Scotland. The convent then fled to the parent house of Furness, but, on arriving at the gate, were met by the abbot and his brethren, who peremptorily denied them admission. The outcasts, upon this repulse, determined at once both to leave Furness and to desert entirely the site they had occupied at Calder, though they had little more personal property than their vestments and a few books, which were carried in a waggon drawn by eight oxen. After a sorrowful consultation during the rest of the day, they set out in the morning towards York, in order to ask the advice of Archbishop Turstin. They had heard that, six years before, he had provided a home at Fountains for some monks who had seceded from St. Mary's Abbey at York, and believed that they might therefore rely on his friendly offices and protection.

During their journey, and when they came into the town of Thirsk, they were accidentally met by the steward of the Lady Gundreda, widow of Nigel de Albini, and mother of Roger de Mowbray, a youth then in ward to King Stephen, but soon to come in to possession of his princely estates. Being much struck with the unusual appearance of the company, he enquired into their history and condition, and invited them to dine at the table of his lady at the castle of Thirsk, he going before to announce their approach. When, says the chronicler, Abbot Gerald and

his monks arrived thither with their waggon following them, and the lady, from the window of an upper chamber privately beheld their pitiable condition, she was affected by compassion to tears. During the interview, having been much edified by their conversation and bearing, she desired them to remain in her house, caused their necessities to be liberally supplied, and promised in a short time more substantial aid, both in the shape of a place of abode and permanent means of subsistence. But since the monks could not travel with her from manor to manor, she sent them to her uncle, Robert de Alney, a Norman, who had been a monk at Whitby, and was then living as a hermit at Hood, a solitary place among the woods, seven miles east of Thirsk, at the foot of the Hameldon hills, and about four miles in a north-west direction from this place. The hermit was so delighted with the holy conversation of his guests that he received the habit of the Order, made profession of obedience to the abbot, and placed his establishment at their disposal. By and bye, Roger de Mowbray, at the solicitation of his mother and of Archbishop Turstin, granted the brethren the tithes of the victuals provided for his household; but their collection and transmission being found inconvenient, he gave them, instead, his cowpasture of Cambe, the high ground above us to the north,—all his land at Wildon, a mile and a half hence, to the west,—Shackledon in the parish of Hovingham, afterwards converted into a grange, and the town of Ergham.

After the monks had spent four years at Hood, and had been joined by several persons of wealth and station, whose example had great influence in the country, the abbot besought the Lady Gundreda to acquaint her son that its situation was too confined for the erection of an abbey, and that he should provide a more convenient site. The result was that the lady bestowed upon them out of her own dower, the vill of Byland on the Moor, upwards of four miles north of this place,—and in the year 1143 Roger de Mowbray conveyed the fee in frank almoigne. At the time when Domesday survey was taken the manor consisted of six carucates, or about seven hundred acres of land; and it is noticed also that there was a church built of wood, the only instance of the kind mentioned in that invaluable record.

The monks now removed from Hood to a certain place within their newly acquired territory on the banks of the river Rie, a short distance north of the Cistercian abbey of Rievaux, which had been founded in the year 1131, by Walter le Spec, lord of Helmsley. Here they built a small cell which they occupied five

years, but it was probably constructed only of temporary materials; for experience soon shewed that the place was not suitable for their permanent establishment.

It had been the original intention and purpose of Roger de Mowbray that, if possible, the projected abbey should be built on the south bank of the river Rie, "in order"—as the chronicler says—"that we might receive, in all respects, the same advantages and easements from the water, which the monks of Rievaux enjoyed on the north bank. But the situation of the place rendered this impossible. Moreover, the houses were so near to each other that, every hour of the day and night, the one convent could hear the bells of the other, a thing unseemly and not long in any wise to be endured." While they were resident here, the abbot, at the request of Roger de Mowbray and Sampson de Albini, gave the place where he had first settled at Hood to certain canons who had come from Bridlington Priory, and had been established at Newborough (about two miles hence) under the patronage of Roger de Mowbray, who founded that house in the year 1145. The church of St. Mary of Hood subsequently became a priory or cell subject to Newborough, and many interesting remains of the structure are still apparent. A large portion of the lands of Hood was however retained by the monks of Byland, and enjoyed by them until the dissolution of the abbey.

"Roger de Mowbray perceiving"—continues the chronicler—"that many had come together to serve God, and that the place where the monks abode in the territory of [old] Byland could not be made convenient for the construction of an abbey, and that the proximity of Rievaux rendered it altogether unfit for such a purpose," extended their boundaries, and in the year 1147, gave them for the site of a new monastery, two carucates of waste ground in the vicinity of Coxwold, under the hill of Blackhow. Sir Thomas de Colvill, a subinfeudatory of that baron, also gave to the monks other lands within the shire of Coxwold. Yet, three years after, the house of Byland was not entirely deserted, for the chronicler tells us that on the eighth of March, 1150, a convent of monks went out to found the abbey of Jervaux, and that they proceeded from the house of *Old* Byland, "*habitante abbate Rogero cum suis monachis apud Stockyng.*"

As soon as the monks obtained possesion of their new estate, having chosen a site north-west of Low Kilburn and three miles N.W. from this place, they began vigorously to clear the ground

on the western side, near to Middleburgh, and to erect a small stone church, a cloister, and other houses and offices. At that time the place was called Stocking, and an old farmstead near Kilburn still bears that name. The monks abode there for thirty years; during which time several noblemen, as well from the surrounding country as from Westmorland, devoutly offered large tracts of land to the convent.

At length, after many disputes with their neighbours and their old enemy, the abbot of Furness, who—envying their prosperity—revived the claim of jurisdiction over the house, the abbot and his brethren resolved to migrate once more to another site. Their reasons are not stated definitely by the chronicler, but every one who gazes on the scenery around him must admire and honor the sagacity which saw the capabilities of the place when it was but a wooded waste, pent up between the swamp of Whiteker on the south and the rugged hills on the north. The land had been given to them by Sir Thomas de Colvill before they left Old Byland. Having settled their plans, they set to work with great energy to cut down the wood, to drain the land by long and wide trenches, and at length, fortified by the wealth that had flowed in upon them since they came into the vicinity of Coxwold, to erect that noble church within the ruins of which we are now assembled. We are not informed when the architectural work was commenced, but the chronicler says that the monks "*de Stockyng se illuc transtulerunt*," on the eve of All Saints (31st October) in the year 1177.

The name given to the new monastery was derived from that of the Saxon vill which the monks had once occupied on the banks of the Rie. Whether the intermediate house of Stocking had borne this name or not, can only be decided by a careful examination of the documents entered in the chartulary. It may be remarked, however, that the chronicler, in mentioning a quit-claim made by Robert de Stuteville, says he made it by the delivery of a knife "*super magnum altare de Stockyng;*" and that, when enumerating the acts of the second abbot, he says he presided "*apud Bellamlandam in mora, et Stockyng, et juxta Whiteker.*"

Judging alike from the fact that the monks were provided with a residence at Stocking during the erection of the present abbey, the character of the architecture, and the extent of the works, it seems probable that such a portion of the church only as was required for the daily offices was completed in the year 1177. The domestic buildings must, as usual, have been re-edified in stone after the church was finished.

The only incident of general interest in the history of the house, is the battle which was fought here on or about the 14th of October, 1322. On the 20th of September, when King Edward the Second was at Newcastle-on-Tyne, the Scottish invaders besieged Norham Castle. He was unable to contend with them, and betook himself southward, first to Durham and then to Barnard Castle, whence he issued writs directing levies to meet him at Blackhow,[1] the moor to the north of us, where it was proposed to have a muster of his army. Three days after he was at Forcet;[2] on the 8th and 11th of October he was at Yarm;[3] and no doubt, very soon after arrived here. The chronicler of Lanercost[4] says that after the King of Scotland had committed extensive ravages on the Borders, he proceeded into England towards "Blakehoumor," not only because he had previously left that part of the country unvisited on account of the difficulty of approaching it, but also because he was informed by his spies that the King of England was there. Hearing of his approach, King Edward ordered the Earl of Carlisle and others to send to him levies of horse and foot; and, by the aid of the Earl of Lancaster, thirty thousand men were mustered and marched to him through the west part of the country, so that they might be unperceived by the enemy. Meanwhile, the Scots had burnt many towns and manors "in Blakehoumor," had committed all the waste within their power, and taken many prisoners, together with a booty of cattle and other property. The issue was hurried on unexpectedly; for King Edward having sent the Earl of Richmond with a body of men to watch the movements of the enemy from the high ground between the abbies of Byland and Rievaux, commanding most extensive prospects, was surprised by the Scots coming suddenly upon him. Resistance only could be effected by hurling down stones on them as they approached by a narrow and difficult pass in the mountain side. The Scots, however, rushed forward with ferocious intrepidity, took the Earl prisoner with many of his men, and drove the rest before them. When the news of the discomfiture was brought to the king, he was, as the chronicler says, in Rievaux Abbey, and at once fled towards York, leaving behind

(1) *Rotul. Claus.*, 16 *Edw. II., m.* 25 *d.*
(2) *Ibid.*
(3) *Rotul. Claus.*, 16 *Edw. II., m.* 25 *d. and m.* 24.
(4) *Cott. M.S. Claudius, D. vii., fol.* 219*b*. In the upper margin is written in a subsequent hand, "De fugâ Regis apud Byland." The author of the *Annales de Melsa*, speaking of King Edward II., whose character he draws with a bold and impartial hand, says, "Fortunâ ac gratiâ omni suo tempore carere videbatur. Inimicos suos in campo attendere vix audebat. Ter a Scotis victus; videlicet, apud Banokbrun juxta Stryvelyn in Scotia, abud Berwyk, et *Bylandbank*, in Angliâ, ipsis terga vertit." *Egerton M.S. in Bibl. Brit. Mus.* 1141, *fol.* 101*b*.

him his silver plate and a great treasure. These were at once seized by the enemy, who sacked the abbey, and then, turning towards the wolds, pillaged and devasted the country far and wide nearly as far as Beverley, which was saved only from flames through the contributions of the inhabitants. In Packington's Chronicle,[1] as translated by Leland, is a quaint but less circumstantial version of the story. He says that "James Duglas and Thomas Randol, Capitanes of the Scottes, seyng" the disorganisation of the English army, "made a great Rode into Northumberland and destroiyng the Contrey abowte went forth to Northalreton and brent it. And King Edward seyng this, raysid his Host beyond Trent, and they encounterid with the Scottes at Beighlande Abbaye, xv Dayes after Michelmes, and there were the Englisch menne discumfited. And there John of Bretayne Erle of Richemont, Ennemy to Thomas Lancastre, was taken Prisoner and after delyverid for a great Raunsom went yn to France, and never returned in to England agayn. Straite upon this was Syr Andrew Erle of Cairluel attayntid for Conspiracy with James Duglas the Scotte, whereby the Englisch men for lack of Harkeley ready help, wer vanquishid yn Batel at the Abbey of Beighlande." According to Knighton,[2] the king was not surprised at Rievaux, but while dining in Byland Abbey; "Circa festum sancti Lucæ prandentem regem apud monasterium de Bella Landa super Blakhamore pené comprehendissent, nisi fuga sibi consuluisset." There is a place called "Scotch Corner" at the head of a ravine in the mountain side, about two miles N.W. of this place, but I am told that it has received that name only within memory.

In the church of Ampleforth, three miles hence down the valley, there is a monumental effigy which I fancy commemorates a touching incident of that unfortunate day; at all events it is one of the most interesting monuments in the county, and it would be a worthy act, if the Yorkshire Architectural Society would cause it to be removed from its dark place in the base of the tower to a more suitable position. It represents a warrior wearing a sleeved surcoat over chain armour which appears at his wrist and neck: his sword suspended from a belt passing over his right shoulder: and his hands elevated in prayer. His head is uncovered, but, instead of resting, as is usual, on a helmet or a cushion, it is supported on the breast of a lady, the upper part of whose figure appears, of life-size behind. The

(1) *Lelandi Collect., vol.* 1, *p.* 2, *pag.* 446.
(2) *Decem Scriptores, col.* 2542.

workmanship is of inferior character, but by one of those happy touches of nature which can reach us across the dark gulf of the past, the sculptor recalls such an office of affection as Scott pictures Clare to have rendered to Marmion on the field of Flodden:—

> '"Is it the hand of Clare," he said,
> "Or injured Constance, bathes my head?"
> Then, as remembrance rose,—
> "Speak not to me of shrift or prayer!
> I must redress her woes.
> Short space, few words, are mine to spare;
> Forgive and listen, gentle Clare!"—'

I cannot enter now even into a general account of the donations which were made to the monastery. These are enumerated in Dr. Burton's *Monasticon Eboracense*,[1] from a chartulary or register whose owner is not mentioned. Nearly all the original sealed charters have perished. A chestfull of them was blown up when St. Mary's tower at York was destroyed, on the 16th June, 1644; the greatest part of the rest may have shared a somewhat similar fate. Within the last seven years a boxfull of them, comprising the royal grants of franchise, with fine pendent seals, were advertised for sale by a bookseller at Bristol. They did not immediately find a purchaser, and I ceased to hope that they would find a resting place in Yorkshire. About two years ago, however, as I was conversing one day with the bookbinder of the British Museum on his method of restoring mutilated documents, he shewed me a charred mass of parchment and wax which appeared to defy even his extraordinary skill; it was all that a fire on the bookseller's premises had spared of his Byland charters.

Several of the manuscript books which belonged to the library here have been preserved, and four of them are fortunately in the British Museum. The Harleian MS. 3641, which was rescued by Harley from the hands of some ignorant persons in London, in the year 1716, is a beautiful folio copy—of the twelfth century, slightly deficient at the end—of William of Malmesbury's *De Gestis Pontificum Anglorum*, inscribed on the first page, "*Liber Sanctæ Mariæ de Bellelanda.*" A similar inscription will be found on the dorse of the 112th folio of the Cotton MS. *Julius, A.* xi.—a collection, in small quarto, of several historical and biographical works, the titles of which will be found in the printed catalogue. It once belonged to Lord Burghley, and was given to the Cotton Library, in 1609, by Mr. Henry Savell. There is internal evidence that the Royal MS. 5

(1) *Mon. Ebor., pp.* 328—340.

E. xxii., an octavo volume containing eight treatises of Gregory Nazianzen, transcribed in the twelfth century, belonged to Byland; and the like with reference to the Royal MS. 8 F. xv., a quarto of equal antiquity, in which will be found eighty-three Epistles of St. Bernard, his *Apologia de vitâ et moribus Religiosorum*, and *Petri Abelardi Hæresium Capitula.* Among the collection of manuscripts formed by several members of the Savile family, and dispersed by sale in 1861, was a splendid vellum folio of the thirteenth century, inscribed on the top of the first leaf, "*Liber Sanctæ Mariæ de Bellelanda.*" It contained Bede's *Opusculum in Librum Actuum Apostolorum*, with his Exposition of the Canonical Epistles of the Apostles St. James, St. Peter, St. John, and St. Jude. In the catalogue it is described as written "by an English scribe, with painted capitals, in the original oak boards, covered with ox-hide, having brass knobs to protect the hair."

At the time of the suppression of the lesser monasteries, the Abbey of Byland and its possessions and privileges were vested in the crown by the operation of the statute 27th Hen. 8, c. 28; but it was re-founded by the king, with some other houses, by letters patent, dated 30th January, 1536. The hopes of the monks, however, were revived only to be extinguished; for they surrendered the house and all its estates to Henry the Eighth, on the 30th of November, 1538. The deed of conveyance is still preserved in the Public Record Office, bearing the signatures of John Allanbridge the abbot and twenty-four of his brethren, but the seal is lost. The last abbot was living, and in the enjoyment of a pension of £50 per annum, in the year 1553.

When the house was dismantled, the king's commissioners obtained from it seven bells, 516 ounces of plate, and 100 fother of lead from the roofs and windows.[1] The net annual rental of its lands then amounted to £238 9s. 4d.[2]

The site of the abbey and many of the adjacent granges and demesne lands were sold by King Henry VIII.,[3] on the 22nd September, 1540, to Sir William Pickering, of a family that had been connected with the service of the Earls of Northumberland, and resident at Oswaldkirk. He did not live to enjoy them long, for he died on the 20th of May, 1542;[4] and when his son, another Sir William Pickering, died in the reign of Queen Elizabeth, he was childless, and his estates passed, by his sister,

(1) *Harl. MSS.*, 604, *fol.* 106.
(2) *Val. Eccl.*, *vol.* 5, *p.* 93.
(3) *Rotul. Pat.*, 32 *Hen.* 8. *p.* 3.
(4) *Inq. post mortem*, 34 *Hen.* 8. William, his son and heir, was then twenty-four years old.

into another family. The ruins and many of the lands have long been in the possession of the Stapyltons of Myton.

I will now speak of the Ruins of the Abbey.

Before it was delivered into the hands of its merciless spoilers, the church of Byland must unquestionably have ranked among the most elegant and admirable structures of Yorkshire. In amplitude of dimensions it stood in the first rank of conventual churches. In the scientific character and simple dignity of its design, and the harmonious distribution and detail of its component parts, it was exceeded by few or none of them. There is, indeed, an absence of florid decoration and surface ornament, arising in some measure from that Constitution of the Cistercian order which directed that their buildings should be of a modest, plain, and unambitious character; but there is obviously exhibited, throughout the whole of the work, such a profound application of geometrical principles, as to render even the fragments that remain one of the most valuable evidences we possess in investigating the first development of the Early English style. They will be found especially so, when the details are studied in connexion with some other Cistercian churches, subject therefore to a common restriction. I allude particularly to Jervaux, where the church was begun in or very soon after the year 1156, before this work was projected: to Roche, where some of the work must have been in hand at the same time: and to the choir and lady-chapel of Fountains, which were begun after this church must have been completed. A comparison also with the original portions of the choir and transept of Ripon cathedral, erected by Roger, Archbishop of York, at a period between the years 1154 and 1181, will be extremely useful. I am sometimes inclined to think that the architect of Byland had some continental model in his eye; or, at the least, was well acquainted with the progress of architecture in France and Germany; and the supposition may seem the less improbable, when it is remembered that all the Cistercian abbots were bound to attend the chapter-general of their order held annually at Citeaux, in Burgundy, about thirty miles S.E. of Rheims; and had therefore continual opportunities of examining and discussing the merits of buildings of advanced and novel character.

The plan of the church—a plain Latin cross—presents three peculiarities which, so far as I have observed, do not occur in any other Cistercian house in the kingdom. In the first place, the nave is of an extreme length; in the second, the transept has had a western as well as eastern aisle; and in the third, the

choir has had a transverse aisle at its eastern extremity. The unusual work in the nave and transept has, perhaps, been introduced for the sake of attaining the greatest perfection of design of which their ground plan was capable. In the enlargement of the choir, there may have been a purpose of obtaining ample space for altars against the eastern wall. The necessity of occupying the choir as soon as practicable, no doubt, caused the builders to commence operations there, and, so far as we can judge, they proceeded according to the original plan, modifying some minor details, until they reached the west end of the nave, when they appear to have altered their first design for that façade. I am inclined to this conjecture by the difference we see in the treatment of the extremities—both externally and internally—of the north and south aisles. The southern, and as I suppose the older one, has a *round*-headed doorway flanked by three shafts with plain capitals, and is enclosed, inside, under an arch of similar shape. Then come the corbels of the Galilee roof, inserted at a much lower level than those in the main body and north wing of the façade, and above these is a round-headed window like those in the lateral walls of the aisles, but of less size. The buttress also which divides the end of the south aisle from the central compartment is wider than that at the opposite side, and is also somewhat differently detailed. Now, the door of the north aisle has a *pointed* arch, mouldings of the same date as the chief entrance to the nave, and there is no window above. It will also be observed that the string course which passes above the chief entrance is continued only across the *north* wing. In the interior, there is no string course over its doorway, but on the opposite side there is one, which, on account of its position with reference to the windows, cannot have been prolonged horizontally from the lateral walls, but which may have been intended to have been continued under the western tier of lights, in the original design. In the south-west corner of the south aisle, the nook shaft of the vaulting rises from a bracket above the string course of the window sills; in the opposite corner, the shaft rises from the floor.

It may escape the notice of a casual observer that the capitals of the shafts of the central doorway are plain on the south side, and foliated on the north. In those of the entrance to the north aisle, the relative portions of the plain and enriched capitals are not only reversed but their abaci are also different. Also, that there are minute but definite indications of the pitch of the central gable and of the aisle roofs, and that the underside of the

wheel window has been packed in its bed with roofing tiles.

Upon the whole, with reference to the *design* of this beautiful façade, it appears to me far less probable that it was prepared in or before the year 1177, when the monks retired from Stocking to this place, than that it was adopted when the rest of the church had been completed. At the earlier period, though a tier of lancet lights with dog-tooth mouldings surmounted by a wheel window might have been projected, I apprehend that a round-headed doorway would have been introduced within a slight projection or porch, in the central compartment, and no such reduplication of the shafts of the arcade above would have appeared as adds gracefulness to the present structure. How the architect treated a gabled extremity at the earlier period may be seen in an extant engraving of the south end of the transept, now nearly destroyed.

There has been a Galilee porch attached to the west front of the nave, as shewn by the corbels for the support of its roof. It was in existence in the year 1426, when one Wm. Tirplady desired, in his will, to be buried in the Galilee of St. Mary's Abbey at Byland.

I have not been able to obtain access to the wheel window in the gable, but by measuring a corresponding space on the ground below, I find that it is not less than twenty-six feet in diameter, and therefore probably as large as any coeval specimen of its kind that is known. So far as I can observe, there have been no mullions or spokes connected with the portions of the lower half that remains. May it have been that the glass was enclosed in a wooden rim or frame like those of the lights of the choir, and that there were radiating spokes attached to it of the same material?

The nave has been two hundred feet in length and seventy feet in width, leaving a space of thirty-eight feet nine inches for the central part. Though the inner or main walls have perished, it is still possible, by a careful examination of the fragments which remain attached to the western wall, and a comparison of them with the south-east angle of the transept, to acquire a tolerably accurate idea of its former appearance. Eleven windows in its still perfect north aisle, and the intervening vaulting shafts of the roof, suggest the idea that it was divided in *length* into twelve bays or compartments. The responds, at the west end, shew that each side was divided in height into three stages; an arcade, a triforium, and a clerestory.

The bases of all the pillars on each side of the nave are either

destroyed or buried beneath the sward; but their design may be inferred from the western responds, as well as that of the pillars with their capitals, and the section and curve of the archivolt which they supported.

A string course ran above the arcade and divided it from the next story, which contained the triforium. It was not customary, in the earlier Cistercian houses, to introduce a triforium. There is none at Fountains, none at Kirkstall, none at Buildwas in Shropshire; indeed, it has been said that this feature does not occur in any house of that order; but here it must have been well developed, and formed a prominent and striking feature in the long drawn perspective of the nave. The fragments that are left in the western extremity are not sufficiently large to enable me to speak with certainty of its design, but I think that so much supplementary evidence can be obtained from the triforium of the transept as to warrant the supposition that each compartment shewed an arcade of three pointed members, resting on single shafts, the central one pierced through the thickness of the wall, and probably subdivided. Had we lost the example in the transept, we might have supposed that the central opening had a semicircular head, as in the choir and transept of Ripon cathedral and elsewhere; but as the transept was certainly built before the nave, we cannot reasonably suppose that, in this part of the work, the builders would revert to an antiquated form of treatment.

Behind the arcade of the triforium was a vacant space or passage between the crown of the vaulting of the side aisles and the roof, the pitch of which may be traced on the north side, and, on the south side, one of the supporting corbels. On the north side, a passage from this gallery leads to a staircase in the turret-buttress at the west end, communicating with the base of the wheel window and the clerestory; but, singularly enough, it opens also, not into the sill, but into the void head of the northernmost of the west lights of the nave. I cannot imagine what purpose this device may have been intended to serve; but there is an horizontal groove in the opposite jamb of the window, on a level with the base of the doorway, as if to receive a board for the support of a person occupied there, either in observation of what was passing below, in or out of the church, or otherwise. In the southern triforium, there is also a transverse passage from it to a geometrical staircase in the gable buttress of the west front, but, at the height of about six steps it has been discontinued, by design, and has no communication with the wheel window or clerestory above.

Of the design of the clerestory, we may speak with something like certainty, glancing from its fragments to the corresponding vestiges in the transept. Like the triforium below, each bay has been apparently divided into an arcade of three pointed members, the central one having been filled with a lancet light. In the interior, the window would appear between two pointed arches recessed in the wall, for the purpose of a gallery, and supported by a detached and an engaged shaft.

Each bay of the triforium and clerestory—determined in width by the span of the arcade below—has, no doubt, been divided from the next by shafts, but whether they have been single, or triple, or decorated at the extremities, can only be decided by an examination of the ruins that may be turned up below. Judging from the space between the vaulting shafts of the aisles, the cross rib of which would impinge against the centre of the opposite pillar, I think each bay of the triforium and clerestory was eighteen feet three inches wide.

Outside, the wall of the clerestory has been finished with a plain coped parapet, resting on a moulded cornice enriched with masks or corbels.

The design of the aisles of the nave, together with the plan and section of the groined vaults can be easily ascertained from the ruins on the north side. It must be remembered, however, that the south aisle had, at the least, four windows less than the north, in consequence of the dormitory and a passage on the west side of the cloister having abutted on its western extremity. Part of the doorway which led to the dormitory may still be traced here, but, a century ago, when this south wall was more perfect, there was also a way from the church to a passage which was parallel with the east side of the undercroft of the dormitory.

The transept is 135 feet long and 74 feet wide, including its side aisles. It had, as I have previously observed, an aisle on the west as well as one on the east, like the churches of York, Ely, Winchester, Wells, and Beverley, and those of the Cistercian houses of Clairvaux and Pontigny in France; a peculiarity which caused all the four piers of the central tower to be detached, and influenced also the elevations of its northern and southern extremities. The elevation of these facades cannot have been exactly alike, in consequence of the lower part of the south wall having been attached to a contiguous building. The south end of the transept remained entire and formed the most prominent feature in the building, until about forty years ago, when it fell in the

night. I exhibit a plate of it[1] as it appeared previously; but a drawing which I have seen leads me to doubt whether the lower tier of lights was on a level with the lateral triforium, as here represented. It is certain, however, that the windows above the triforium have not had pointed, but semicircular heads. The former appearance of the lateral walls of the transept is sufficiently suggested by the ruins that remain.

The central tower, no doubt, produced a much more powerful effect, internally, by the detachment of the lower part of its piers than by its external elevation of one square only above the roofs, which was generally all the display that the Cistercian rule allowed. The character of the piers may be inferred from the elegant base that has been uncovered. The arches were probably semicircular, springing from the base-line of the clerestory, and we may suppose that each of its external faces had two shafted lights, either with round or lancet heads. On its north side may be seen the monumental slab of one of the abbots, and supposed, in particular, to be that of Robert de Helmsley, who was elected in the year 1370.

We come now to the Choir.

Whether this portion of the church was prolonged, for ritual purposes, within the structure of the nave cannot at present be ascertained; but, if the rubbish was removed, we might perhaps trace in the bases of the pillars of the nave some such grooves or indications of a rood screen as appear at Fountains and Kirkstall. The area of the structural choir, from its junction with the aisle of the transept to its eastern extremity, is 52ft. 8in. long; but, as the last bay, which joined it to the east piers of the tower is wanting, we may add twenty feet to this measurement. It is 70ft. wide, including both its aisles. As I have previously stated, it has presented the peculiarity of an aisle passing across the east end. The same feature, I believe, existed (and a discovery made a few days ago tends to confirm my opinion) in the church of Ripon, erected by Archbishop Roger, which may have been completed before this work was commenced; and Professor Willis supposes that such was the case in the old choir of York minster, erected by the same prelate. I am not aware that this arrangement exists in any other English Cistercian house, but the object was evidently to gain all the space that was available for the sites of the minor altars; as was effected shortly after by

(1) A Plan of the Abbey of St. Mary at Byland in the Archdeaconry of Cleveland and Deanery of Bulmer, N.R. Yorkshire, with a S.E. View. Thos. Atkinson, Ebor.. delin. Published by Rob. Wilkinson, London, 1806. This plan, I believe, was prepared for Dr. Burton's *Monasticon Eboracense*, about 1758. See his preface, p. xii.

the introduction of an eastern transept or chapel of nine altars at Fountains and Durham. The choir was divided from the side aisles by four arches on each side, and there were three of lesser span between the altar-space and the aisle behind. Of the superincumbent triforium and clerestory there are no visible remains; probably they were of a similar character to those of the transept, with some enrichments. The outer walls of the aisles—much more perfect on the south side, thirty years ago, than now—differ in design, as in the transept, from those of the nave, in the internal casing of the windows and the plan of the caps of the vaulting shafts. In the former instances, the outer angle of the splay is moulded, and the caps are of earlier shape, and semi-octagons. In the latter, they are plain and semi-cylindrical. Each of the lateral windows is 15ft. high, and 4ft. 8in. wide; the bays in which they are placed being 17ft. 4in. wide. At the east end, in consequence of the peculiarity of the plan, the bays are narrower, and the lights five in number. The clerestory of this façade had, probably, three lights, surmounted by a wheel window in the gable.

The tesselated floor of the central portion of this eastern aisle or chapel, which is reported to have been a beautiful work and in a fine state of preservation, was uncovered many years ago, but—after having escaped, perhaps for six centuries, the envious tooth of time—only to fall a prey to the ignorance and cupidity of man. It was raised on three steps, each decorated, in front, with geometrical tesseræ. Three altars were also discovered there. The cover of one, 7ft. 3in. long, and 3ft. 3in. wide, since removed to Myton, was supposed to have been the slab of the high altar; but that object and its platform, I hope, still remain undisturbed,

The chief offices and domestic buildings of the convent were placed on the south side of the church, and ranged round the other sides of the cloister quadrangle. The area of this court was 145ft. square; a proportion so unusually large as to exceed that of any other Cistercian house in Yorkshire, perhaps even in the kingdom; but occasioned, in one direction, by the equally unusual length of the nave of the church. It appears, from the plan which I exhibit, that, a century or more ago, these buildings were in a less fragmentary and disjointed condition than they are at present. In the few observations I have still to make, I will therefore avail myself of its assistance, and, if by chance, I speak of objects that are not now visible, you must understand that this is my authority. All these buildings are of the very plainest

character, and, probably after the completion of the church, superseded erections of wood and plaster.

Those parts of the cloister court that were bounded by the south side of the nave and the west aisle of the south transept are now rased to the ground. Passing to the eastern range of buildings, we come first to the site of the vestry, abutting on the transept, the elevation of which, therefore, must have required a different treatment from that applied to such cathedral and collegiate churches as were disengaged from conventual offices. In its present state, all that can be said of it is that it has communicated with the staircase in the transept, and necessarily with the church, and that it was 33ft. long and 13ft. wide.

The Chapter-house adjoined the vestry on the south. It opened from the cloister alley by three arches, and was about 53ft. in length and 40ft. in width. It was a custom of the Cistercian monks, exemplified at Fountains, Jervaux, Tintern, Netley, Beaulieu, and Buildwas, to divide this apartment into three aisles; and here, though the mere space did not need such an arrangement, it probably was not dispensed with. The supposition, indeed, is supported by the fact that, in the chapter house of Jervaux, which is but 48ft. long and 35ft. wide, such a division is made by three pillars on each side. In consequence of its enclosed position, the light must have been admitted from the east, most likely by three windows, and by another in each of the eastern extremities of the lateral walls which projected beyond the adjacent buildings. This design may still be seen at Jervaux. In the old plan there are indications of a recess in the wall, about 6ft. long, below the presumed site of each of these side windows; suggesting the idea that they have enclosed tombs. This circumstance demands special consideration, and raises the question, was one of these the burial-place of Roger de Mowbray the founder? It is generally believed that he was buried at Byland; but, even before the dissolution of the house, the testimony of the chroniclers was not uniform on the subject. The fullest and most circumstantial account of his latter days is told in a genealogical history of his family written in the time of king Henry the Eighth, and inserted in the Register of Newbrough Priory. It is printed in the second volume of the *Monasticon Anglicanum*, from a copy in the *Cotton MSS.*, *Cleopatra, c. iii., folio* 301. The writer says, in monkish latin, "This Roger, having been signed with the cross, went into the Holy Land, and was captured there in a great battle by the Saracens. He was redeemed by the Knights of the Temple, and, worn out with

military services, he returned into England. On his journey, he found a dragon fighting with a lion in a valley called Saranel, when he slew the dragon, and the lion followed him into England, and to his castle at Hood." He lived fifteen years afterward, died in a good old age, and was buried 'in Bellalanda, *in quadam fornace in muro Capituli, ex parte australi*, juxta matrem suam Gundredam, et supra sepulchrum ejus depictus est gladius lapide insignitus, ubi nemo positus est in presentem diem.'" Another history of the Mowbrays, formerly among the monastic papers in St. Mary's tower, York, and brought thither, I fancy, from Byland, at the dissolution of the abbey, contradicts this statement about his burial-place, and says "Hic cruce signatus ivit in terram sanctam, et captus a Saracenis, redemptus est per militiam Templi, et mortuus in terrâ sanctâ, sepultus est *apud Sures*," meaning thereby, I presume, in Syria. As many passages, and even whole sentences in this latter document are found in the former, this discrepancy is the more remarkable. The document that was in St. Mary's tower may also have been of higher antiquity than the other, as the narrative is continued only to the end of the thirteenth century. I have not yet exactly discovered when Roger de Mowbray died, but it is certain that he was taken prisoner at the battle of Hillin.

But let the chronicles be received as they may, it has been universally believed in Yorkshire, for the last forty-six years, that Roger de Mowbray was not only buried in Byland, but that in the year 1818 his remains were exhumed here by the late Mr. Martin Stapylton—guided to the place by "ancient MSS."—and removed to Myton, where they were re-interred in the churchyard. I do not know the value of his MS. evidences, but at all events, it is evident that the skeleton which was accidentally found by his workmen, *under the floor of the north-west part of the chapter house*—after several futile searches outside the walls of that apartment—could not have been that of the man who, according to the only known chronicler who gives his sepulchre at Byland, was buried within its *south wall*.

But time urges; and as the rest of the conventual offices are better explained in the plan that I exhibit than by any narrative I could adopt, I must forbear to trespass longer on your attention.

## XI.—A GENEALOGICAL AND BIOGRAPHICAL MEMOIR OF THE LORDS OF STUDLEY, IN YORKSHIRE.[1] BY JOHN RICHARD WALBRAN, HONORARY MEMBER OF THE OXFORD UNIVERSITY GENEALOGICAL AND HERALDIC SOCIETY. Ripon: Printed by William Harrison, 1841.

Quamvis obstet mihi tarda vetustas,
Multaque me fugiant primis spectata sub annis,
Plura tamen memini.

*Ovid, Metam., XII*, 152.

In the year 1180, RICHARD LE ALEMAN was lord of Studley, and also of a moiety of the manor of Linton, in Craven. He was succeeded by his son,

WALTER LE ALEMAN, who gave to the Monks of Fountains, and all that belonged to them, free passage over his lands there, and also his lands in Swanley.[2] William his brother, also gave them two carucates of land in Horton. He had also another brother, John. Walter was succeeded by his son,

SIR JOHN LE ALEMAN, knight, who was living in 1229, and, in that year presented Walter de Hedon to his mediety of the rectory of Linton, in Craven.[3] He gave his mill at Malham to Fountains, for elemosynary purposes, and was otherwise a considerable benefactor to the monastery. In October, 1233, Archbishop Gray gave the land and heir of John le Aleman to his brother, Sir Robert Gray. (*Kirkby's Inquest*, ed. Surtees Soc. 422.) By his wife, Alice, who after his death married William de Hebbeden, he had issue a son, of whom nothing further is known than that his only daughter and heiress, ISABEL LE ALEMAN, married,

JOHN LE GRAS—Le Crassus, or Le Gardus, who became, in her right, lord of Studley. He was living in 1251, and in that year presented John le Gras, probably his nephew, to his moiety of Linton rectory. He had issue, by the heiress of Aleman,

SIR JOHN LE GRAS, knight, lord of Studley, &c. *jure matris*, who in 1310 presented Simon le Gras, then an acolyte, to his mediety before mentioned; and, in 1316, William le Gras to the same benefice.[4] In the Will of Sir William Vavasour of Hazlewood, dated "die Jovis prox' post festum Sancti Gregorii

(1) The following pages are the substance of information collected by the Author from MSS., and other authentic sources, and forming part of the materials for a History of the Wapentake of Claro, and Liberty of Ripon, on which he is engaged. Some imperfect notices of the Tempests have been already published; and an outline, or abstract of the whole Genealogy was inserted in the Studley Guide, in 1837.

Twenty copies have been printed, and those only for private distribution.

(2) Burton's Mon. Ebor.

(3) Torre's Catalogue in Hist. Craven, 461.

(4) Torre, ut supra.

Papæ, 1311,"[1] is the bequest of a gold ring to his wife Paulina le Gras. He was concerned in the murder of Peter de Gaveston, and had a pardon for his share in it dated October 16th, 1313, (*Rymer's Fœdera*). On December 18th, 1317, he did homage to the Archbishop of York for his lands at Ripon. (*Kirkby's Inquest*, 411.) His only daughter and heiress, Isabel le Gras, married, according to the usually received account,

Sir Richard Tempest, knight, second son of Richard Tempest, of Bracewell, in Craven, who thus became lord of Studley and other possessions, *jure uxoris;* but there appears some confusion, or perhaps deficiency in this statement. It has been said, though we have seen no proofs of the assertion, that this Isabel was the daughter and heiress of *Sir Hugh Clitheroe*, by Elizabeth *his* wife, daughter and heiress of Sir John le Gras.

From a passage extracted by Dr. Whitaker from Dodsworth's MSS.,[2] it would not only seem that she had a sister, who, though married, died without issue; but that she herself had a former husband, who had (by her) died childless also. "Seventeenth Edward III, between Sir Thomas Burn, knt., and Isabel his wife, plaintiffs; and Sir William de la Pole, knt., and Katherine his wife, defendants; of the manors of Stodelay and Linton, in Craven, &c., and the advowson of a moiety of the church of the said manor of Linton, whereby the said Sir William and Katherine remitted whatever right they had in the said manors, &c., for the lives of the said Sir William and Katherine to the said Sir Thomas and Isabel, and to the heirs of the said Isabel for ever."

Between this time and 1382 she must have been married to and become the widow of Tempest, for in that year, according to the Catalogue of Institutions to the two moieties of Linton rectory, extracted by the indefatigable and accurate Mr. Torre from the Archiepiscopal Registers at York, she presented to her mediety thereof, by the name of *D'na Isabella, quondam ux' Ric'i Tempest, mil'.*

There is some discrepance in the pedigrees of Tempest, of Bracewell, touching this Isabel, which requires no explanations or comment here, for it is quite certain that the estates were inherited through her, and that is all that is necessary to be proved.[3]

In the year 1379 this Lady Isabel Tempest was enfeoffed of the manor of Trefford hill, in the county of Durham, of which she died seised, in 1421, when it descended to her son. *Inq. p. m.*, 23rd Oct., 1422.

(1) Reg. Kellawe, Ep. Dunelm.—Surtees Soc. Wills. i. 16.
(2) Vol. i., p. 23: Final Concords 4—51 Edward III.
(3) It must be confessed that neither the genealogy of the Tempests, nor the earlier part of that of Mallory is satisfactory.

Sir William Tempest, of Studley, knight, *jure matris*, was upwards of thirty years of age at his mother's death. He had been knighted before the year 1409, and married Elenor, only daughter and heiress of Sir William Washington, of Washington, in the county of Durham, by Margaret, his wife, daughter and coheiress of John Morvill.[1] They were cousins, being related to each other in the 3rd and 4th degrees, but their marriage was legalized by dispensation from the Archbishop of York, Oct. 20th, 1409, long after they had been married, and children born to them. (*Test. Ebor.*, iii., 319). She died Jan. 2nd, 1451, and was then found seised of half of the manor of Washington.[2] They had issue William and

Rowland Tempest, of Holmside, in the county of Durham. He had certain lands given to him by his brother William, 18th Henry VI., 1440; and, by Isabel his wife, daughter and coheiress of Elizabeth wife of William Elmden, had issue Robert, from whom descended the Tempests of Holmside, afterwards of Whaddon, in Cambridgeshire, and Cranbrook, in Kent, who were represented about twenty years ago by John Tempest, esq., of the latter place, and the Tempests of Stella, in the county of Durham, Baronets, now extinct in the male line.[3]

In 1436 Sir William held lands in Hartforth, near Richmond, of John, duke of Bedford, by the fourth part of a knight's fee.[4] They were probably brought into the family by the marriage of his grandfather, Richard Tempest, with Johanna, daughter and heiress of Thomas Hartforth, of Hartforth, who was owner of the Stainton property.[5]

William Tempest, of Studley, esq., eldest son and heir, enjoyed his inheritance but a short time. He died January 4th, 1444,[6] and the inquisition taken after his death will enable us to form some idea of the extent of the property of the family at that time. It appears he had possessions—if not the manorial rights—in Hetton, Stainton, and Appleton Parva; the manors of Studley, Hartforth, and Linton in Craven; two messuages, two tofts, and a close containing two acres, in Richmond, a messuage and twenty acres of land in Hartforth and Walkbourne, which, together with two cottages and three acres of

(1) Dodsworth's MSS., vol. lix. fol. 244, in Bibl. Bodl., Oxon.
(2) Inq. p. m., 24th January, xiv. Neville. 1451.
(3) St. George's Visitation, Co. Durham, 1615, and Surtees.
(4) Inq. p. m. Johannis Ducis Bedford, 1446. ir 36—Cal. 4. p. 169.
(5) Dodsworth's MSS., lix., fol. 244.
(6) Inq. p. m., in Co. Durham, 10 October, vii. Neville.

land in Gilling, were held of the Honor of Richmond; *ten messuages in Ripon, and two messuages and sixty acres of land in Studley.*[1]—All in the county of York. He was also seised of the manor of Trefford, in the county of Durham, which was held by the fourth part of a knight's service, suit at the manor court of Coatham Mundeville once in three weeks, and a pair of gloves, or 12d. in lieu of them, at the feast of St. Mary Magdalen.[2] The name of his wife is not recorded. He left issue one son, John, then two years old, but who died soon after; and two daughters who then became his coheirs.

Isabel, the eldest daughter, married Richard Norton, of Norton Conyers, esq., and died before the year 1451,[3] leaving her son, Sir John, then twenty-six years of age, her heir.

Dionisia, the younger daughter, married William Mallory, of Hutton Conyers, esq., and was thirty-six years of age, 24th of October, 1451.

The following document shews what was her share of her paternal estates.

On September 4th, 1452, John Lound, clerk, Robert Danby, Ranulph Pygot, William Heron, Robert Ingleton, and Richard Weltden (the feoffees of Sir Wm. Tempest) make over to Dionisia the wife of Wm. Mallore, esq., sister and heir of Wm. Tempest, esq., the son and heir of Wm. Tempest, knight, the manors of Studley and Linton, co. York, and that of Trafford in the Bishopric of Durham, with divers lands, etc., in the same places and at Brompton near Northallerton, Coppedhewyk, Aldfeld, Winkesley Wodhous and Grantley, the mill of Grantley, five messuages in Westgate in Ripon, and three acres of land adjoining them, 6s. of annual rent out of the tenements of John Whixley, jun., in Ripon, 8d. of rent out of the tent of Thomas Clotherholme, 16d. of rent out of the tent of John Croyser there, and 4d. of rent out of the tent of Wm. Roche there, to her and the lawful heirs of her body—failing them to John son and heir of Richard Norton and Isabella the sister and coheir of the said Wm. Tempest, esq., and his lawful heirs—failing them to Roland Tempest, and his l. h.—failing them to Sir John Tempest, kt., and his lawful heirs male—then to right heirs of said Wm. Tempest, esq.

WILLIAM MALLORY, ESQ., who thus became Lord of Studley, *jure uxoris*, was the representative of an ancient and well-allied family.[4] It cannot now be ascertained whence they originally sprung, though probably, from some of the southern

(1) Inq. p. m. W. Tempest, in Co. Ebor, 22 Hen. VI., n. 29—Cal. v. 4, n. 219.
(2) Surtees' Durham, vol. ii., p. 327.
(3) Inq. p. m. Elenor ux' d'n'i W. Tempest.
(4) Vide Harl. MSS in Bibl. Brit. Mus. 1233, fol. 130b.—1241, fol. 67b.—1420 fol. 55, 248b. 349b.—4630, fol. 377.—6070, f. 240b.—Lansdown MS. 900 f. 361b.
Peter Malore (18th Edward I., 1290) married Matilda, d. and coh. of Stephen de Bayhus, and widow of Elias de Rabayn. He was a knight 33 E. I., 1305.—Rotul. Parl., v. i., p. 44, 179.
Joh'es Mallyore had a grant of free warren at Walton, co. Leicest. and Takebrooke and Botley, co. War.—Rot. Cart. 9th Edw. III., p. 1., n. 10.
Sir Anketin Mallory held lands in Rutlandshire.—Inq. p. m. 6th R. 2. n. 152. Another Anketin was sheriff of Lincolnshire, 13th R. 2.

counties, where families of the same name, though bearing different arms, are often mentioned in records as existing and holding property in the counties of Bedford, Rutland, Warwick, Leicester, Cambridge, &c. They became possessed of Hutton Conyers by the marriage of Sir Christopher Mallory (son of Sir Thomas and a daughter of Lord Zouch) with Joan, the daughter and heiress of Robert Conyers of that place, whose ancestor, Robert Conyers—the representative of the elder branch of the Sockburn family—possessed it 30th Hen. III., 1246, as appears by his grant of lands there, to the church of St. Peter at York, in that year. Sir Christopher Mallory had issue Sir William Mallory, of Hutton, who, by Katherine, daughter and coheiress of Ralph Nunwick, of Nunwick, had William Mallory, who, by Joan, daughter of Sir William Plumpton, of Plumpton, near Knaresbrough, had William Mallory, before mentioned, who married Dionisia Tempest, of Studley. After the family had acquired Studley, it does not appear that they had abandoned their manor house at Hutton; but frequented it occasionally until the end of the sixteenth century, about which time the present building, now used as a farm house, seems to have been erected. A picturesque gable on the north side, and a richly ornamented ceiling[1] in a neglected apartment in the south east wing, remain of this date. Large portions of the rest of the building have been altered in subsequent repairs, and seem to confirm the tradition that the house was set upon, in the Civil Wars, by a troop of Parliamentarians, in the absence of the owner, Sir John Mallory, who, from his zeal in the Royal cause, must indeed, have been particularly obnoxious to them. Several cannon balls and some weapons of war have also been found in the fields around. There are also some remains of a rampart of earth, running at right angles, on the north and west sides of the garden, which may have formed part of the agger of the moat to the original structure. The mansion is shaded by a goodly row of giant sycamores, which give it a pleasing air of solemnity, and seem still to assert its claims to a rank above that of an ordinary farm-hold.

Sir Wm. Mallory, knt. was returned as one of the gentry of Cambridgeshire 12th H. 6, 1433. Anthony Mallory, high sheriff of that county 21 Henry 7., and 10th and 23rd H. 8. He bore as his arms—Or, a lion rampant, gules; collared .... William Mallory high sheriff of the same county, 6 and 17 Eliz.

Richard Mallory, mercer, son of Anthony Mallory, of Papworthams, in the county of Cambridge, was Lord Mayor of London in 1564.——FULLER'S WORTHIES—New Ed. i. 169.

Richard Mallory (probably the same person) was sheriff of that City 5th Phil. and Mary.

FULLER, ut supra, vol. ii. 96.

(1) The lion of the Mallory's arms is displayed in the compartments; but without a shield, and unfortunately without an impalement. The lion, perhaps through the ignorance of the artist, is represented rather salient than rampant.

On October 25th, 1458, Archbishop William Booth granted an oratory for three years to Wm. Mallory, esq., Dionisia his wife, and their children, (*Reg.* 204 *a.*) which privilege was renewed to them for the same period, on 17th November, 1467, (*Reg.* 57 *a.*) This was the beginning of the chapel of the Blessed Virgin at Studley.

The Will of Mr. Mallory is preserved at York.

In Dei nomine Amen. Ego Willelmus Malliore senior, armiger. Sepeliendum in eccles. S. Petri Ripon coram altare B. Mariæ. Optimum animal nomine mortuarii. Lego Johannæ filiæ meæ de redditibus provenientibus de Hoton juxta Ripon, et Over Dedinsall c marcas. Ad maritagium Margaretæ filiæ mea c marcas. Volo quod Henricus Malliore, Christoforus Malliore, Georgius Malliore, and Ricardus Malliore, filii mei. habeant terras, pro termino vitæ suæ, ad valenciam xl marcarum, in villis de Lynton in Craven, Brompton, Coppidhewyk, Granteley, Wynkysley, Wodehouse, and Hylton Flyghan in com. Westm. quæ sunt de jure & hereditate Dionisiæ uxoris mei dicti Willelmi Malliore. Do et lego monasterio S. Roberti & fratribus suis pro uno obitu pro anima mea vjs. vijjd. Residuum lego Dionisiæ uxori meæ, Christoforo Malliore and Johannæ sorori ejus—quos facio executores. Dat. 1 May mccccLxxij. Prob. 25 Ap. 1475. (*Reg. Test. Ebor.* iv. 125).

William Mallory had, by the heiress of Tempest, seven sons —John, William, Thomas, Christopher, George, Richard, and Henry; and six daughters—Margaret, who married Sir John Constable, of Halsham, knt., and died without issue,—Jane, Isabel, Elizabeth, Joan, and Eleanor.

Of these children I have been able to gather the following notices. On Jan. 15th, 1485-6, there is a licence for Chr. Mallory and Isabel Malthouse, of Ripon, to be married in the chapel of the Blessed Virgin there, without asking of banns. (*Test. Ebor.* iii. 350). In 1473, a Chr. Maulore, gen., became a member of the Corpus Christi Guild at York.

On 13th *(blank)* 1498, admon. of the effects of Lady Margaret Constable was granted to George and Richard Mallory. (*Reg. Test. Ebor.* iii. 333).

In 1506-7, the Will of Richard Mallory was proved by George Mallory, esq., his brother and executor. (*Ripon Chapter Act Book*, 329). In 1475 a Richard Malory, gen., became a member of the Corpus Christi Guild at York.

Sir John Mallory, of Studley, *jure matris*, and of Hutton Conyers, knt., eldest son and heir, married Isabel, daughter of Laurence Hamerton, of Hamerton in Craven, and widow of . . . Radcliff, of Lancashire; although placed by the herald, Glover, in his Visitation, as eldest son, and his brother William as second, it appears doubtful whether the latter was not in reality the elder, for, in 1475, William Mallory, son and heir of Sir William and

Dionisia Tempest, held livery of half the manor of Washington;[1] and that he also died without issue, whereby the inheritance devolved on his nephew, Sir William, son of Sir John—for, in 1497, Sir William Mallory had licence to grant his moiety of that manor aforesaid, and the vill, to *his* son William Mallory.[2] Sir John had issue three sons—William, Robert, and John; and one daughter, Joan. His Will is not preserved, but it is evident that he was the founder of the chantry of St. Wilfrid in Ripon minster, at which were commemorated the souls of Sir John Mallory and Elizabeth his wife,[3] Sir William Mallory, knt., and Joan his wife, and those of their children, Richard Ratcliffe and Agnes his wife, Sir Richard Hamerton, knt., and Elizabeth his wife, and John Holm, chaplain. (*Ripon Chapter Acts*, 320-1).

In 1535, among the disbursements for St. Wilfrid's chantry, there is a payment of 20s. for the obit of Sir John Mallory, knt., the founder.[4]

The chantry of St. John the Evangelist in Ripon Minster was founded about the year 1487, by Elizabeth, widow of Sir John Mallory, knt. (*Ripon Chapter Acts*, 282).

Sir William Mallory, of Studley and Hutton, eldest son and heir, married Joan, daughter of Sir John Constable of Halsham, by Lora, his wife, daughter of Henry lord Fitzhugh, to whom her father left by Will, in 1473, the large sum of 500 marks, towards her marriage. (*Test. Ebor.* iii. 279). It appears that, in 1475, William Mallory, son and heir of Sir John Mallory, knt., and heir of William Mallory his grandfather, did service to the Chapter of Ripon for his lands at Ripon and Hutton Conyers. (*Ripon Chapter Act Book*, 246-7). In 1497, Sir William, his wife, and John his son, became members of the Corpus Christi Guild at York.[5]

Inq. p. m. Sir Wm. Malory, knt., 4th Nov., 15th Hen. VII. (1499), m. 61, taken at York Castle, 4th Nov. Was seized of the manors of Studley and Hutton, and being so seized, he granted by his charter the same to Sir Stephen Hamerton, knt., and his heirs, to fulfil his last Will. The said manor of Studley

(1) Surtees, from Rot. Booth, anno 18 .
(2) Idem, from Rot. Fox, anno 3.
(3) In 1470, Richard Ratclyff, esq., and Eliz. his wife, Wm. Malyore son of the said Elizabeth, and Anne his sister, became members of the Corpus Christi Guild at York. Was the following person a scion of the family at Studley?

John Mallory, scholar of Xt's coll., was B.A. 1524, and M.A. 1527. Adopting Protestant principles, he made himself obnoxious to the bishops, who sent him to Oxford to recant. He bore his faggot at S. Mary's, and Dr. Richard Smyth, the reader in divinity, proceeded to preach on the occasion, the church being crowded in every part. Suddenly an alarm of fire being given, a scene of the wildest confusion ensued. Some were crushed to death, and others much injured. Mallory finished his penance at S. Frideswide's on the following day. This was in December, 1536. (*Cooper's Ath. Cantab.*, i. 61).
(4) *Valor Eccl.*, Henry VIII., v. 252.
(5) From the evidence as to the manor of Washington, already quoted, it appears that Sir William had a son, William; but Glover, who seems to have perused the family papers, assigns him but one son.

is held of Thomas, archbishop of York, by fealty and rent of 2s., and is worth annually, *ultra reprisas*, twenty marks. The manor of Hutton is held of the bishop of Durham, by fealty only, and is worth, *ultra reprisas*, £20. He died 2nd July, 14th Hen. VII. (1498), and John Malory is his next heir, aged 26 years and more.

Sir John Mallory, of Studley and Hutton, knt., son and heir, was four times married. First, to Margaret, daughter of Edmund Thwaites, of Lund on the Wolds, esq., who mentions her in his Will. (*Test. Ebor.*, iv., 177). They had issue one son, William.

Secondly, to Margaret, daughter of Sir Hugh Hastings, of Fenwick, co. York, to whom her father bequeathed, in 1482, 300 marks for her marriage. (*Test. Ebor.*, iii., 274). By her he had issue:

1. Christopher Mallory, of Tickhill (although Hopkinson says he was son of the third wife) who married and had Sampson Mallory, only son, who left a Will.

1 March, 1599-1600, Sampson Mallorie, of Rippon Parks, gentleman. To be buried within the church of Rippon, or elsewhere it shall please God. To my nephew, Edmond Worrall, 10*l.* To my neice, Elizabeth Savell, 3*l.* To my neice, Marie Butho, 5*l.* To my goddaughter, Eliz. Creipling, 6*l.* 13*s.* 4*d.* To my cosing, Myles Stavely, my gray gelding. To my cosen, William Staveley, my blacke nagge. The residue to Myles Staveley and Edmond Worrall—they exrs. John Mallorie, esquyre, supervisor, and I give him for his paynes one angell. To Francis Staveley my wyf 20s. Pr. 27 Sept., 1600. (*Reg. Test. Ebor.*, xxviii., 2076). The testator was buried at Ripon, Aug. 17th, 1600.

Frances, third wife to Thomas Wyrrall of Liversedge, co. York.

2. Joan Mallory, wife of Thomas Slingsby, of Scriven, esq., who was buried in Knaresbrough church, Sept. 26th, 1581.

Sir John Mallory's third wife was Elizabeth, daughter of . . . Reade, of Burkshall in Oxfordshire. The licence for him to marry her in the chapel of the Blessed Virgin at Studley is dated on Nov. 24th, 1515. (*Test. Ebor.*, iii., 368).

His fourth wife was Anne,[1] daughter of Sir Richard York, mayor of the Staple at Calais, and a rich merchant at York. The licence for them to marry, addressed to the curate of Brayton, near Selby, is dated Nov. 29th, 1521. (*Test. Ebor.*, iii., 372). The issue of this marriage was George Mallory, of Tickhill castle, esq.

(1) In 1554, Lady Anne Mallory, in compliment to her father, was made free of the city of York.

28 Nov., 1580. Nunc. Will George Mallory of Tickhill, esquier. I geve all that I have unto Elizabeth my wyfe, for all that I have is to litle, savinge that I do require her to give unto my cosene Anthonie Mallorie twentie markes, and to Sampson Mallory 20*l.*, and 40*s.* yearely oute of my lease of the demaines of Tickhill castle. Witnesses, Jervase Werrall, Nicholas Wombwell, gent., etc. Pr. 16 Feb., 1580, and adm. to Eliz. his widow. (*Reg. Test. Ebor.*, xxii., 5).

## His widow was a daughter of Hugh Wyrrall, of Loversal (*Visit.* 1585) and made her Will as follows:

24 March, 1592-3, Mrs. Elizabeth Malory, of Tickhill, widowe. To be buried in the south quere of the parishe church of Tickhill, nighe to my late husband George Mallory, esquier. To my niec Elizabeth Downes my lease of all my demaines of Tickhill castle, with rem. to her heirs male, then the reversion to my nephew Robert Swifte, esquier. To my nice, Anne Wentworth, daughter to my brother Copley, 20*l.* To my cosin, Gerves Worrall, 10*l.*, in consideracion of my promise to give him so much at his mariage. To my nice, Mary Swift, my goddaughter, 10*l.* To my nice, Margaret Westby, 6*l.* 13*s.* 4*d.* To my cosin, Sampson Malory, 20*l.* To Sir Robert Stapleton 20*l.* To my nice and goddaughter, Anne Savill, 10*l.* To ye pore crepels of mason Dew of Tickhill yearly duringe the yeares of my lease 10*s.* To the poor of Tickhill 5*l.* To the vicar of Tickhill, Sr Aslaby, xj. The residew, my body beinge worshipfully brought forth, etc., to my trusty and well-beloved nice, Elizabeth Downes. Pr. 29 Aug., 1593, ad to ex. (*Reg. Test. Ebor.*, xxiv., 143).

## Sir John Mallory died in 1527-8, and on his decease the following Inquisition was taken.

Inq. p. m. Sir John Malory, taken at Howden, 20th Oct. 20th Hen. VIII. He was seized in his demesne as of fee on the day when he died of the manors of Studley Magna and Hutton Conyers, also of 100 acres of arable land, 30 acres of meadow, 50 acres of pasture, and 30 acres of wood, in Studley Magna and Hutton; also of 10 mess., 20 acres of arable land, 10 acres of meadow, 100 of moor and 30 of wood, and 12d. free rent in Grantley; also of 8 burgages in Ripon, Studley, and Grantley, and burgages in Ripon held of the archbishop of York. Hutton held of the manor of Northallerton. The premises in Studley and Grantley worth 45*l.* 12*s.* 8*d.* per ann., and those in Hutton Conyers 40*l.* They say also that John Byrtby of Ripon, chaplain, was seized in demesne as of fee of a close called Barght Close, in Hutton Conyers, also of 2 water corn mills there to the use of one William Malory, junior, son and heir of John Malory, knt., and of his heirs, and that so seized on the 12th of Feby. 11th Edw. IV. (1471-2) he granted the same to the said William Malory, jun., Johanna then his wife, and the heirs male of the sd Wm. and Johanna. They also say that John Darneton, late abbat of Fountains, Mr. Wm. Potman, late provost of Beverley, John Constable of Halsham, knt., Stephen Hamerton, knt., and Brian Rowth, esq., were seized in their demesne as of fee of a close called le Barght in Hutton Conyers and of the New Close there, and of a mess. and a bovate of arable land there, etc., to use of Wm. Malory, knt., and his heirs, and being so seized, by indenture dated 20th Dec. 22nd Edw. IV. (1482) they conveyed the same premises to Wm. Malory and Johanna his wife and their heirs. Another settlement of a moiety of the manor of Nunwick. Other trustees enfeoffed by Sir John of the manor of Lynton in Craven, namely, Sir George and Arthur Darcy, Roger Lassels and Richard Norton, esqrs., to the use of Ann York daughter of Richard York, knt., for her life, in satisfaction of dower on any part of the inheritance of the said Sir John. The date of this feofft is not given. Sir John died 23 March 19 Hen. VIII. (1527-8) and Wm. Malory, esq., his son and next heir, is now 30 years old and upward.

SIR WILLIAM MALLORY, of Studley and Hutton, knt., eldest son and heir. He married Jane daughter of Sir John Norton, of Norton Conyers, knt., by Margaret daughter of Sir Roger Ward of Givendale, and had issue by her two sons and seven daughters.

Inq. p. m. Wm. Mallory, knt., taken at York Castle 24th Sept. 1st Edw. VI. (1547). He was seized on the day he died in his demesne as of fee of the manor of Studley Magna held of the king as of his manor of Ripon by fealty at rent of 38*s.* and worth per ann. 40*l.* Also of 10 mess. a cot. and divers lands and ten. in Grantley and Winkesley held of the manor of Ripon by fealty only, and worth per ann. 8*l.* 18*s.* 6*d.*: also of 6 mess. and divers closes, lands, meadows and pastures held of king's manor of Ripon by fealty only and worth 5*l.*: also of one burgage in Ripon held in socage and worth 26*s.* 8*d.* per ann. The manor of Hutton Conyers and divers lands there, together with 2 mess. and lands at Brompton, are held of Bp. of Durham as of his manor of Northallerton, by knight's service, and are worth yearly 10*l.* Also of —— manor of Linton in Craven, 5 cotages and divers lands held of the king as of his manor of Spofforth by knight's service, viz., by 12th part of one knt's fee, and worth per ann. 12*l.* 8*s.* For his life time he was seized also of a moiety of the manor of Nunwick and of divers lands there held of the king as of his manor of Ripon by service of 6 parts of one knt's fee, and worth 20*l.*, and by writing dated 8th June, 33d Hen. VIII. (1541) he granted the said ½ manor and prem. in Nunwick to Wm. Malory his son for the term of his life. Said Wm. Malory died 27 April 1 Edw. VI. (1547) and Chr. Malory his son and heir is now aged 22 years and more.

Sir William Mallory left issue:

1. Christopher Mallory, esq., eldest son and heir.
2. William, heir to his brother.

1. Margaret, married John Conyers of Eaton on Usk, mother of Christopher Conyers, who married a sister of the celebrated Cardinal Allen.

2. Catherine, wife of Sir George Radcliffe of Cartington and Dilston in Northumberland, lord of Derwentwater and lord warden of the East Marches towards Scotland. He died 31st May, 1588.

3. Anne, wife of Sir William Ingilby of Ripley, knt., treasurer of Berwick-on-Tweed. There is a portrait of him at Ripley castle, where he is represented in armour, richly inlaid with gold, a small ruff around his neck, short hair and whiskers, and a beard after the fashion of the day. Lady Ingilby was interred at Ripley, Feb. 20th, 1587-8. Her husband died on the 23rd of February, 1577-8, leaving William, his son and heir, æt. 30 and more. This (Sir) William died in 1607, making his 'lovinge cosen,' Sir John Mallory, the supervisor of his Will, and leaving him 'ten unitts of gould in token of my love, to make him a peece of plate of.'

4. Elizabeth, married, first, Sir Robert Stapleton of Wighill, knt., who died in 1557, making William Mallory, esq., of Studley, his brother-in-law, one of his executors; and, secondly, Marmaduke, second son of Thomas Slingsby of Scriven, esq., mentioned above, her first cousin of the half blood.

5. Dorothy, married the celebrated Sir George Bowes of Streatlam in the county of Durham, who so vigorously withstood the earls of Northumberland and Westmerland in the rebellion in 1569; and garrisoned and held out Barnardcastle against their united forces for ten days. He was, by a special commission, appointed marshal north of the Trent, and he certainly executed the office with dreadful sternness and severity. The marriage articles of Sir George and his wife are dated 7th Octr., 20th Henry VIII. By her (who was his first wife) he had Sir William Bowes, ambassador to Scotland and treasurer of Berwick, and other issue.

6. Frances, wife of Ninian Staveley of Ripon Parks, esq.

7. Joan, second wife of Nicholas Rudston of Hayton, esq., and the mother of all his children.[1]

(1) I throw together in a note the following miscellany.

Maria filia Geo. Mallory bap. 5 Apr. 1576. (Ripon).

April 8, 1585. George Mallorye of Hutton Conyers, yoman, bur. churchyard of St. Peter and St. Wylfryde in Rippon. Johan my wife to have half my farmhold in Huton for her widowhead, and my son Wm. the rest, and the whole after the widowhood of my wife. The rest to my four daughters, Anne, Barbarie, Margaret, and Marie. My son George to have his porcion when 21. (Pr. 30 Apl., 1586, at Richmond).

1594, June 3. Robert Dyson and Margaret Mallorie nupti.

1597, Aug. 21. Johanna Mallorie vidua de Huton, sep.

1609, Dec. 12. Alicia fil. Geo. Mallorie de Huton bp.

1618, Nov. 23. Geo. Mallory and Isabell Baynes md.

1620, Oct. 8. Geo. s. Geo. M. of Hutton bp.

1622, July 29. Thos. s. do bp.

1625, Apr. 13. Wm. s. do bp. (All at Ripon).

7th March, 1638-9. George Mallory of Hutton Conyers, yeoman. To be bur. within the collegiat churche of St. Peter and St. Wilfrid at Rippon. To my eldest son George Mallory all my right in my farmhold at Hutton Conyers which I hould under the worshipfull Wm. Mallory, esquire, to whom I give 10s. in gould, and to my younge master Mr. John Mallory 10s. in gould, and to my good mistris and landlady Mrs. Mallory 5s. in gould as smalle gifts in signe of my love unto them. To my son Wm. my farm in Hutton Conyers which I hold under the said Mr. Mallory. To my son Geo. Mallory a sword which was Mr. Raiphe Mallorye's. To my son Wm. Mallory my sword which I lent to Wm. Wetherill and his mother. To the poor of Hutton Conyers 2s. 6d. every Christmas during my lease. To my lovinge freind Thomas Bell a litle bay meare in remembrance of my love towards him. The rest to Isabell my wife.

*Inventory*, 30th March, 1639. Sum £148 19s. 10d. He owes to Wm. Mallory, esq., £86. To Mr. Wormley £30. To Mr. Crofte £30. To Mrs. Ann Kee £27. To Mr. Pulleyne £20. To. Mr. Mallory, sen., for rent, £16. To Mrs. Mallory £16. To Alice Pulleyne £10. (Proved at Richmond).

28 April, 1619. Mem. Will of Mathewe Mallery of Dunswicke, gent. Bur. church or churchyard of Harewood. To John Foster of Collingham his gray mare. To Walter Mallory, alias Strickland, one lame coult. To Robert Godfray a blacke nagg which he bought of the said Godffray. To Matthias Garforth, vicar of Harwood, 10s. The res. to Bridgett Mallory his sister. She ex. 8 May, 1619, ad. to ex,

There were Mallories living at Dunkswick in the 18th century.

2 Sept., 1628. Inv. of Gregory Mallorye of Sedbusk, gent. Foure Englishe bookes 3s. 4d. Sum 8l. 5s. 1d. 11th Oct. Adm. to Isabel his widow. (Richmond).

CHRISTOPHER MALLORY, ESQ., eldest son and heir of Sir William Mallory, æt. 22 years and more at his father's death. He married Margery daughter of Sir Christopher Danby of Thorpe Perrow, by Elizabeth daughter of Richard lord Latimer, but had no issue. He died young, 23rd March, 1553-4, his brother, William Mallory, esq., being found by his Inq. post Mortem to be his next of kin, then being 23 years of age and more.

SIR WILLIAM MALLORY of Studley and Hutton, heir to his brother Christopher. During the Rising of the North in 1569 he took the side of the Crown, giving news and advice to the Earl of Sussex. In the following year he was appointed High Steward of Ripon, an office which he seems to have held during the rest of his life. (Calendar of State Papers, Elizth.) In 1585 Sir William was M.P. for Yorkshire. He was High Sheriff of the county in 1592, and was exceedingly zealous in the repression of Popery. (Troubles of our Catholic Forefathers, 3rd series, pp. 46, 69, 83, 92). In 1575 the Commissioners at York for Ecclesiastical Causes requested him and Mr. Ralph Tunstall "to pull downe the gilden tabernacle at Rippon, breaste lowe, and the same to be employed to the reparing of the chauncell." In Nov. 1577, he, with Mr. Wandesford and Mr. Lister, was directed to see that the churchwardens of Ripon did their duty. The Reformation had made scant progress in the Ripon district, and Sir William was very keen in advancing it. He was an exceedingly active and able person. He married Ursula daughter of George Gale, esq., of York, master of the Mint there, and sometime Lord Mayor of that city. By will, dated 1556, George Gale gave to his daughter and her husband the 20*l.* which he had lent to Chr. Mallory, Sir William's brother. In the following year Dame Mary Gale bequeathed to her daughter Mallory her "tablett of golde," and to her goddaughter Jane Mallory her "flowre of golde wythe the stone in yt, and wythe a lytle chyne of golde." (*York Registry*). The issue from this marriage was a very numerous one.

1. John Mallory, eldest son.

2. William. This is, I believe, Sir William Mallory of Bishop Auckland, knt., whose effects Philip Mallory of Norton, clerk, administered to on 26th Oct. 1643. (*Durham Registry*). He was a captain in the army, and was knighted by Charles I. on Feb. 1st, 1642-3. At the time of his decease he was clerk of the County Courts at Durham under Bishop Morton.

Christopher, who was buried in Ripon Minster on July 2nd, 1598. He came to an untimely end. According to a letter from Queen Elizabeth, preserved among the Johnstone MSS. at Campsall, it appears that young Mallory had been in attendance upon his father in Ireland, and that, as he was returning home, he was murdered, whilst riding on the highway, by Michael Cubbedge, servant to Sir Edward York, and a person of the name of Johnson, who were indicted. (*Catalogue of Hist. MSS.*, vi., 450).

George, who was married at Ripon, Oct. 19th, 1603, to Frances Dawson. He lived at Hollin Close, and was interred in the minster on July 7th, 1615.

8 June, 1615. George Mallorie of Holling close, nere Rippon, esquier. To be buried in the collegiate church of Rippon, neere the place on the south side where my ancestors have bene usually buried. To Frances my wife my right in the mannor of Raynton, and my tythes of Raynton, Ascenby, *alias* Azenbie, and Newby, in as ample manner as Sr William Mallorie, knt., my late father, had them; nevertheless my will is that if my loveing nephie William Mallorie, esq., shall secure to the said Frances or her exrs the sum of 78*l.* 3s. 4d. yearly, he shall have them. I give 6*l.* 13s. 4d. to be lent from yeare to yeare for ever to some twoe poore tradesmen of Rippon on securitie, and after as my wief dureing her liefe, with the consent of the deane or prebendarie residensarie, shall think fitt, and after as the deane or prebendarie residensarie together with the consent of the overseers for the poore shall lyke of. The residue to my wiefe, in token of my unfeyned love to her. She exr and my trustie and well-beloved brother John Ledgeard, esquier, supervisor. Witnesses: William Mallorie, George Dawson, Chr. Lyndall, Thos. Smith. Pr. 5 Oct., 1615, adm. to ex. (*Reg. Test. Ebor.*, xxxiii., 675).

June 2nd, 1629. Adm. of Frances Mallorie, *alias* Dawson, of Warsell, to George Dawson of Warsell, gent. 'Fraunces Mallorie vid', gen', of Warsell, bur. —— 1629.' (Ripon).

Thomas Mallory, B.D., of Cambridge, was instituted on 27th June, 1599, to the important living of Romaldkirk in the North Riding of Yorkshire. He also held the livings of Mobberley and Davenham in Cheshire; was instituted Archdeacon of Richmond, Nov. 6th, 1603; and, on the 25th of July, 1607, was presented to the Deanery of Chester. By Elizabeth his wife, daughter of Richard Vaughan, bishop of Chester, he had a numerous family, and some of his descendants may still be traced in Cheshire.[1] He died at Chester, April 3rd, 1644, and was interred in the choir of his cathedral, where he sleeps without a memorial.

Robert Mallory, about whom we know nothing save

(1) *Ormerod's Cheshire. Le Neve*, I., p. 329.

the information which is contained in the following letter (*Lansdown MS.*, 77), which shews that all Sir William's care could not prevent one, at least, of his children from deserting his faith.

My verye good L., as I haive alwaies founde your honorable favors towards me, whiche maikes me boulde att this tyme, to imparte onto your Lop. a cause that greves me verye muche; wch is this, my good Lo., one of my sonnes called *Roberte* Mallorye, whome I did seeke to plaice in Lincolne's Inne, whear he haythe contenewede a studente, since Mychelmasse last was tow years. In wch tyme (tyll now of layte) I was in great hope, he should haive reaped some good frewtes of his travell, the whiche I was raythor indewoed to beleve through the commendations of my good frende Mr. Rokesbye, and dyvers others of my acquayntaunce in that plaice. But my sonne-in-law Heughe Bethel being att Londowne all the last tearme, did dyverse tymes repaire unto his chamber, but could not att any tyme meet wythe him; whearupon he did enquier after him of the stewarde of the house, whoe gayve him to understande that he thoght him to be comed downe into the countrye. for that he had soulde the intereste wch he had in his chamber, and had put himselfe forthe of commons. At the same tyme, my sonne Bethell was hear wyth me acquayntinge me wythe soe muche as he knewe, I receyved this letter hear inclosid from a sonne of myn, who haythe contenewed this ten yeares a student in Cambridge. In consideringe whearof, yt maikes me greatlye to feare, that my sonne Robarte, should be carryed awaye from that whiche of all thinges I was most cairfull to bringe him, and al the rest to, the trew knowledge of whiche is the trew profession of the gospell of Jesus Christe: whearfor synce he is neyther comd downe into the countrye, neyther havingo harde any thinge from him of layt. these causes maikes me greatlye feare, that, seeing he haythe forgotten his oewtye to Gode, that he maye taike that course, whiche may prove an utter undoing to himselfe, and a great discomforte to me his father: whearfor, yf yt would please your good Lop. to dow me that speciall favore. as that yf anye means might be maide to staye him for passinge into further daungers, your lordship should therbye maik me bounde unto yow for ever: thus humblye recommendinge my whole service to your Lordshippe, I taike my leave: Hewton parke, this viijth of Julye. [1594.]

Your lordships ever to commaunde,
W. MALORYE.

Addressed. To the right honorable my very good Lo. the lo. Burleyghe Lo. treasurer of Inglande gyve these.

Endorsed by G. Burlegh, Secy. CLXXXII., 8 July, 1594. Sr. Wm. Mallory to my L. His susppicion yt his sonne Robert Mallory, is become papist beyond ye seas. Prayes your Lp. order for his stay. Seal indistinct, but traces of quarterings. I see Tempest.

Peter, baptized at Ripon, April 16th, 1576.

Francis. A person of his name was collector of the customs at Milford soon after the Restoration.

Philip Mallory, vicar of Norton, near Stockton-on-Tees, was probably another son. He was ejected from his benefice about the year 1644, and went to the West Indies in Prince Rupert's fleet.

Joan, the wife of Sir Thomas Lascelles of Brakenburgh, near Thirsk, who wasted his estate.

Anne, second wife of Sir Hugh Bethell of Ellerton, surveyor to Queen Elizabeth in the East Riding, and clerk of the peace there. Mother of his only child Grizell, wife of Sir John Wray, bart.

Dorothy, married Edward Copley of Batley, esq.†

Eleanor, married Sir Robert Dolman of Pocklington, 22nd Sept., 1579, and died in May, 1623.†

Julian.

Elizabeth, bap. 1st October, 1573 or 1574, married John Legard of Ganton, esq., and died June 21st, 1627.†

Frances.

Sir William Mallory, the father of all these children, was buried at Ripon, 22nd of March, 1602-3. The following are some extracts from his last Will, which was proved at York.

15 June, 28 Eliz. William Mallory of Hutton Conyers, knight. To George Mallory my sonne one anuitie of 18*l.* out of my mannor of Washington co. Duresme. To Thomas Mallory my sonne an annuitie of 19*l.* out of the same. To Chr. Mallory my sonne one anuitie of 17*l.* out of my landes of Huton Conyers. To Robert Mallory my sonne one anuitie of 17*l.* out of the same. To Francis Mallory my sonne one anuitie of 17*l.* out of my landes of Great Stodeley. To Anne Mallory my daughter 300*l.* To Dorothie Mallory my daughter twelve score pounds. To Julian Mallory my daughter 300*l.* whereof she haith already paid unto her 50*l.* to remaine with her mother until she be 20, if she marry without her mother's consent, she to have but 200 markes, and the other 100 markes to be paid to Elizabeth Mallory my youngest daughter. To John Mallorie my sonne and heire my lease of the tythe of Raynton, Aisenbie, and Newby, paying 10*l.* a year to Eliz. my youngest daughter for ten years, and for her further advancement I rest in the mercy of God and her mother's goodness. My wife to have the occupacion of all my plate, and after her death it to remaine to John my sonne if he be living, if not, to Wm Mallorie his sonne. The res. to Dame Ursula my wife and John my sonne, they xrs. Pr. 5 Apr. 1603, and adm. to John M., Dame Ursula M. being dead. (*Reg. Test. Ebor.*, xxix., 3).

Sir John Mallory, of Studley and Hutton, knt., eldest son and heir. In 1599 and 1602 he was appointed a member of the Council in the North. He served in Parliament, as member for Thirsk in 1601, and in 1603 for Ripon. By indenture, dated 20th March, 2nd James I. (1604), Sir John, Anne his wife, and William his son and heir, sold the chief messuage or lordship of Trefforth for £360. On the 7th of July, 1613, he joined in a conveyance with his son and heir, William, and Sir James Bellingham, and sold to Thos. Caldwell, and John Booth (in trust for William James, bishop of Durham) for the sum of £4000, all their manors of Washington, and all their rights upon the great wastes and moors of the bishop of Durham, adjoining the said lordship on the north.

At a time when changes of property were seldom thought of or voluntarily effected, the sale of two of the most ancient estates, by one member of the family, would imply either a want of prudent management, or some extravagance: but, when we reflect that Sir John had to make provision for a family of eighteen children, his father sixteen, and his grandfather eight, all exclusive of his heir, we shall not be at a loss to divine the cause. Lands, too, were then often leased out for very long periods, on small quit rents, or nominal acknowledgments. Rents also were frequently paid in produce; and when it unfortunately happened that there had been several successive wardships, and a numerous progeny in the preceding generation—all of whom claimed his hospitality, often and severely—the heir was frequently the most embarassed person in the family.

Sir John married, first, Anne, daughter of William lord Eure of Witton castle, co. Durham, by Margaret daughter of Sir Edward Dymoke, of Scrivelsby, knt., and had issue:

1. William Mallory, son and heir.
2. John, bp. at Ripon, 29 Sept., 1579, ob. s. p. (*Visit.*, 1585).
3. Christopher, bp. Sept. 1, 1580. About this person there are some curious notices in the State Papers of the time of Charles I. He was a Roman Catholic, and in the month of August, 1628, was arrested on the Tower Wharf in London, whilst looking curiously at the ordnance. He was charged also with inducing a Mr. Lancaster, a Londoner, to leave his property in trust for the benefit of the Carthusian monasteries at Mechlin and Neuport. Soon afterwards the strange story crops up that Mallory had acted in a play at the house of Sir John York, of Goulthwaite, in Yorkshire, a convert to Popery. It is gravely stated that Mallory acted the part of the devil, and in that character carried off King James on his back to a supposed hell, alleging that all Protestants were damned. When Mallory speaks for himself he denies all share in the play, or in the affair of Mr. Lancaster. He describes himself as of Ripon, and says that he had come over to England for his health after residing for 22 years in the archduchess' country. He seems to have been detained some little time in prison.
4. Robert, bp. Jan. 26, 1581, married Catherine, dau. of Edward Widdrington, esq., of Swinburne, Northumberland.

5. Peter, bp. Nov. 3, 1584.

6. Timothy, bp. Apr. 19, 1590.

7. George, bp. May 6, 1591. On 6th of April, 1638, the administration of the effects of George Mallory of Azerley was granted at York to Robert Becke of the same place. He seems to have been twice married. The Wills of his second wife and one of his sons are in the York Registry. She was a danghter of John Clough of Skipton Bridge, par. Topcliffe.

3rd August, 1646. Frances Mallorye of Bishopton widowe. To be bur. in the collegiate church at Rippon, as neare unto my late husband Thomas Daye, as conveniently may be. To the poore of Rippon, Bondgate, Bishopton and Azerley £40 out of my estate in Bishopton, Bondgate and Studley Roger. To my sister Dawson my goods at Azerley except what moneys are in my neece Dawson's custodye, and except a bedd which I gave to my neece Susanna Dawson. To my sonne in lawe Mr. John Mallorye to buye him a ring 20s. To his brother Mr. Henry Mallorye forth of the 200*l.* which was payd unto my nephew George Dawson, and my nephew John Withes £20. To George sonne of my nephew Frances Clough 5*l.* To my nephewe in lawe Mr. Thomas Savile ——. To John, George, and William Dawson sonnes of my nephew . . . . Cosen Edmund Clough 5*l.* Cosen Ellen Ander . . . Cosen Thomeson Coates 5s. Res. to nephew George Dawson of Azerley and nephew in law John Withes, xrs.

Codicil, 26 Oct., 1646. Whereas I Frances Mallory of Azerley am informed that my sonne in law Mr. Henry Mallorye is deade, I leave the £20 I left to him to my nephew Gilbert Dawson. [Pr. 14 May, 1647, at York, and adm. to xrs. She is styled of Azerley.]

18 June, 1673. John Mallory of Ripon, gentleman. To Richard Aldbrough of Ripon, esq., a third part of Bishopton mill with all soake and sucken thereto belonging. To Walter Lidster of Ripon, esq., a new sadle hanging in my chamber. To my cosen Thomas Warcopp my velvet coate. To my cozen John Warcopp my buffe dublett with silver buttons and my silver belt. To Mr. Thomas Craven one paire of holster pistolls with the holsters. The rest to the aforenamed Richard Aldburgh, he exr. (*Reg. Test. Ebor.*, liv., 1306). He was buried at Ripon, June 20th, 1673.

8. Edward, bp. June 10, 1596. In 1622 a Sir Edward Mallory of Yorkshire was committed to the Tower, where he remained for some eight months. The 'country' opposed his arrest, and many would have accompanied him if they had been allowed to do so. The nature of his offence is unknown.

9. Ralph, citizen and draper of London. On 25th Dec., 1635, a caveat was entered in the court of York against any proving of the Will, etc., of Ralph Mallory of Hutton, unless Gilbert Manchin (Machon) of York, a creditor, is called.

1. Triphena, bp. Aug. 10, 1583. Md. Sept. 15, 1610, William Warcop of East Tanfield, gent., and had issue. He was buried at Kirklington, Apr. 24th, 1649.

2. Ursula, bp. March 8th, 1585. Md. Dec. 23rd, 1613, Sir John Rodes, knt., of Barlbrough, co. Derby.

3. Troth.

4. Jane, bp. Oct. 11th, 1593.

5. Olive, bp. Dec. 5th, 1594. Md. Jan. 17th, 1618-9, Thomas Best, esq., of Middleton Quernhow, M.P. for Ripon. She was buried at Wath, June 16th, 1654.

6. Jane, bp. Dec. 5th, 1594, a twin with Olive. Bur. at Ripon, August 17th, 1672.

Sir John's first wife was buried at Ripon, 30th April, 1627. He married, secondly, Troth, daughter of Sir William Tyrwhitt, of Scotter, co. Lincoln, by Isabella, daughter of William Girlington of Normanby. Her first husband was Sir Godfrey Foljambe, of Aldwark, co. York, who died 22nd Dec., 1585. By deed, dated 1602, she gave the rent of 7a. 2r. 19p. of land, and three rent charges, amounting together to £10 per annum, among the poor of Rotherham and eight other adjoining townships.

June 12, 1616. Dame Trothe Mallorye of Aldwarke, par. Egglesfeild, widowe. To be bur. in the parish church of Chusterfeild in the county of Darbie by my most deare and lovinge husband Sir Godfrey Foljambe of Walton kt. To my nephew William Dalton one gilt bowle without a cover, which my brother Sir Robert Tirwhytte gave unto me at the day of his death. To my nephew Robert Tirwhytte of Twigmore 20*l.* To my nephew Thomas Tirwhitt 10*l.* To my neece Ann Tirwhitt of Cameringham my owne wearinge chayne of gould. To my neece Trothe Tirwhitte the diamond that my sister Meres gave unto me at her death.[1] To my neece Nevyle 10*l.* to buy her a jewyll. To my neece Isabell 10*l.* to buy her a jewyll. To my neece Trothe Nuber 20*l.* To Mr. Hubbard 20*l.* To Mr. Goodwyne my litle silver kann parcell gwylt. To Mrs. Goodwynne his wife one silver tunn parcell gwylte. To my servante Thomas Lawson and Margt. his wife 100*l.* if they continue in my service till the tyme of my deathe. To Humphrey Goodwyne one litle silver bowell graven. To Charles Lawghton my servante one other silver bowle graven and fellowe to the other both lately bought. Servants. Forasmuch as these my worldly goodes were given to me to the end that I should distribute some parte thereof to the necessitie of the poore, lame, blind, and comfortless, and although I have given alreadie some parte thereof and that in reasonable measure, viz., 100*l.* to the poore within the parishes of Rotherham, Raumarsh and Egglesfield, thinkeinge it better in these cases of charitee to worke some goode whilest I lived than to have all done after my death by my xr., I give 100*l.* more to the same ——. Res. to my nephew Robert Tyrrwhitte of Cameringham, he exr. Pr. 7 May, 1617. Adm. to ex. (*Reg. Test. Ebor.*, xxxiv., 442).

It is not known when Sir John died, but in the published poems (4to, 1621) of John Ashmore, master of Ripon school, there are two which refer to him.

(1) By Will dated 23rd Jan., 1604-5, Faith Meeres of Aldwark, widowe, left "to my loving sister, the ladie Mallorie, the best ring I have, having three dyamonds in it. To Margaret Calverley, my lady Mallorie's gentlewoman, 6*l.* 13*s.* 4*d.*" Her first husband was Ambrose Sutton.

TO SIR JOHN MALLORY, KNIGHT, AFTER HIS RECOVERY FROM A GREAT SICKNESS.

Of late, when sickness on thy limbs did seise,
Which physick's skill could nothing help or ease,
And with an *Habeas Corpus* death was prest,
With *Non Omittas*, reddy thee t' arrest;
Each corner of thy house was fild with wo,
And sense-distracting grief ran to and fro.

Which heard, the cry oth' poor about thy gates,
So shak't the doors of th' adamantine Fates,
That by their page th' a *Supersedeas* sent
To death, to shew th' had altered their intent.
For, if we take him, one of them did say,
How many will with hunger pine away!

When Sir John died, the same poet broke out into Latin verse in the form of a Dialogue between the Ure and Skell, bewailing the decease. Of this there is an English version. The first three stanzas of the Latin must suffice.

UR. *Dic mihi* Skelle *precor, solitus qui te dare nobis*
*Lætum, cur subito solveris in lacrymas?*
*An tibi quis liquidas turbavit flumine lymphas,*
*An dilecta tibi Nympha proterva fuit?*

SK. *Non hoc aut illud: gravior me cura fatigat,*
*Nostraque sollicito corda dolore premit.*
*Nonne tibi nota est communis causa doloris?*
*Nonne* Malorëi *funera nota tibi?*

UR. *An* Malorëus *obit? Parcæ potuere feroces*
*Talis, et heu tanti, rumpere fila viri?*
*An* Malorëius *obit? Fatorum O ferrea jura!*
*Et nunquam humanis (heu!) satiata malis!*

WILLIAM MALLORY, ESQ., of Studley and Hutton, eldest son and heir, was five years old at the Herald's Visitation in 1585. He was a justice of the peace for the W. R. of Yorkshire in 1622; treasurer for lame soldiers in the same district; and M.P. for Ripon in six Parliaments, between 1614 and 1640. In 1599 he was married at Heversham, co. Westmerland, to Alice, second dau. of James (afterwards Sir James) Bellingham, esq., of Over Levens (*Marr. Lic. at York*) by Agnes, dau. of Sir Henry Curwen of Workington. She was buried at Heversham, 25 May, 1611. They had issue:

1. William, aged nine years in 1612 (*Visitation*).

He and his brother John were at Ripon school, and their master, John Ashmore, honors them with the following verses in his printed Poems:

To Mr. William Mallory, and his deare brother John, the generous and gracefull children of Mr. William Mallory, Esquire.

See here the map of humane miserie,
The labyrinth that you are entring to,
Full of cross-waies of ambiguitie
Like to *Mæander* running to and fro;
Here had you need of *Ariadney's* clue;
Which in all doubts will aide and succor you.

By help of it, the *Minotaur* you'll slay,
(A monster bred of lust and lewd desire).
And, being rid of that perplexed way,
To sweet repose of minde you'll then retire.
Those, that to kill this monster doe not strive,
Shall (peece-meal) be devour'd of him alive.

And may I not, the *Palinurus* now
That at the helm in a calm river sit,
Of your lancht frigot, tell what th' heavens foreshowe?
That happy windes shall still attend on it;
And that great *Neptune*, with his azure traine,
Will steer it, till the happy port it gaine.

---

Ad D. Guil. Mallory, cum Virgilium sibi auro pulchrè ornatum dederim.

*Hoc (generose puer) tibi do; majora daturus,*
*Si non obstaret sors inimica mihi.*
*Ut tibi quod munus magno majus dare possim,*
Virgilio, *cujus maxima fama viget?*

Angl.

This gifte (O generous childe) I give to thee,
That greater would, if fortune favord me:
But, what gift greater may I to thee give,
Then *Virgil* great, whose greatest praise doth live?

He married Mary, dau. of Sir Guy Palmes, knt., of Lindley, near Otley, by Anne, dau. of Sir Edward Stafford, knt. They had, I think, a son, John, bp. June 2nd, 1626, and buried at Ripon June 3rd, 1627. On

Sept. 17th, 1636, his widow administered to his effects, as William Mallory, jun., gen., of Studley. *(York Registry)*. She was interred at Ripon as Mrs. Mary Mallory, of Hutton, on March 10th, 1661-2, having previously made her last Will and Testament, out of which I make the following extracts:

March 3, 1661-2. Mary Mallory of Hutton Conyers, widdowe. To be buryed in Rippon minster as neare the bodie of my deare husband as conveniently may be. To Mrs. Douglas Vaughan my sister 5*l.* To Mrs. Douglas Vaughan my neice 20*l.* To Mrs. Susanna Vaughan my neice 20*l.* To. Mr. Guy Leeke my nephew 20*l.* To Mrs. Jane Mallorye sister of William Mallorye late of Studley, esq. 5*l.* To all my nephews and neices, the sonnes and daughters of Sir Bryan Palmes, Sir Thomas Browne, William Leake, esq., and John Vaughan, esq. (except suche as I have allready given legacies) to every of them 10s to buy a ringe. To the church of Rippon 10*l.* to be bestowed towardes itts repaire or ornament accordinge to such directions as I shall leave. To the poore of Hutton Conyers 3*l.* To the poore of Rippon 7*l.* The rest to James Bellingham of Upper Levins, esq., my nephew,[1] he exr., and what advantage he has of his executorship to be to the sole use and behoofe of Mary Bellingham his daughter, and, failing her, to Mrs. Elizabeth Bellingham her mother. Mr. Jonathan Jenings of Rippon, supervisor. (*Reg. Test. Ebor.*, xliv., 257).

2. Thomas, bp. 22nd Dec., 1607, and bur. 4th March, 1608-9.

3. (Sir) John, one year old in 1612. Bp. 21st Dec., 1610. *(Visitation of Yorkshire)*.

1. Anne, bp. Dec. 29th, 1605, bur. 19th Jan., 1606-7.

2. Alice, bp. 22nd February, 1608-9. Married at Studley, 22nd Nov., 1627, Richard Aldbrough, esq., of Aldbrough near Boroughbridge.

Mr. Mallory was buried in Ripon minster on March 4th, 1645-6. His Will was proved at York, and contains some curious information. Adm. to his effects was granted on the 22nd of June, 1652, to his sister, Jane Mallory of Studley. His Will, proved after the Restoration, runs as follows:

Jan. 9, 1645-6. William Malorye, of Studley, esq. To be buried in Ripon minster neare unto my auncestors. I am oweing unto my loveing sister Jane Mallorye 500*l.*, being her portion, which hath long remayned in my hands, and I am alsoe indebted unto divers other persons, and severall summes of money for my owne proper debts, amounting to more then my personal estate, which of late tymes hath beene much impared, will extend to satisfie, my landes, etc., in Gawhay to be soulde to pay my debts, and therefore I bequeath them to my cosen William Ingleby of Ripley, esq., my brother Arthur Aldbrough of Ellingthorpe, and my cosen William Staveley of North Staynley, esqrs., and my

(1) James Bellingham was husband of Elizabeth Leeke, daughter of William Leeke of Newark-upon-Trent, by Elizabeth Palmes, sister of the Testatrix; and therefore nephew by marriage. Her daughter Mary, the youngest of five, was baptized at Ripon, 2 Oct., 1554, and became the wife of Alexander Johnson of Preston.

bror. Wm. Warcopp of East Tanfield, gentleman, to sell, etc., I give to each of them a 20s. peice of gold to buy them ringes to weare for and in remembrance of my love to them. To Arthur Aldbrough my grandchilde an annuity of 20*l.* To Thomas Jackson, my household chaplayne, one annuity of 6*l.* 13s. 4d. To my old servant Richard Adlington an annuity of 6*l.* 13s. 4d., all out of my mannor of Hutton Conyers or any other landes as my sonne Sir John Malorye, knight, shall thinke more convenient. To the rest of my household servantes a yeare's waige severally. I doubt my whole estate, both reall and personall, will not extend by farr to satisfie my owne proper due debtes now oweing by myselfe which I greatly desire to be really and truly discharged and payd; and therefore I do now most seriously and earnestly require and charge my said sonne Sir John Malorye, as ever he loved and respected me, or will regard the earnest request of his dying father, and as he being privye hereunto hath promised and agreed to doe to the best of his power, and as God shall inable him, to discharge —not onely the legacies I give, but alsoe my owne proper debts as the saile of the sayd landes will not extend to satisfie—in hope whereof and in full confidence of my sayd sonne's carefull observance and due performance of these my last requestes to him, which he hath promised and agreed to performe, I shall end my dayes more chearfully and goe with lesse sorrowe to my grave, haveing thus sett my house in order as well as I may. My sister Jane Malorye exr. My brother Aldbrough and my cosen Wm Staveley supervisors. (*Reg. Test. Ebor.*, xlviii., 161).

Sir John Mallory, Knt., eldest surviving son and heir. He was M.P. for Ripon, 1640; and was knighted at Whitehall Dec. 23rd, 1646. He was also Colonel of a Regiment of Dragoons, and of the Train Band Foot regiments, in the Wapentakes of Staincliffe and Ewecross in the West Riding—after the death of his father who had held that regiment during his life.[1] Sir John took an active part in the contentions of the troublous days in which he lived, and performed several efficient services for his royal master. As governor of Skipton castle, he held that fortress for three years, and during that time brought over a troop of horse to Ripon, and drove out Sir Thomas Mauleverer and his men, who had taken possession of the town, and offered many indignities to the inhabitants; besides, as was the brutal custom of their party, defacing and destroying many memorials of the dead in the collegiate church. Sir John, of course, was a marked man, and was obliged to lay down as a composition for his estates the large sum of £2,219.

Sir John died at Studley, and was buried among his ancestors in Ripon minster on Jan. 24th, 1655-6, the day after his decease. On Dec. 18th, his widow, Dame Mary Mallory, took out letters of Administration to his effects, at London. There is a fine full-length portrait of Sir John and his lady, with Jane, their daughter, standing between them, at Studley.

By Mary his wife, daughter and coheiress of John Moseley,

(1) Hopkinson's MSS. penes Miss Currer of Eshton. (Trans. *Hist. MSS.*, 4630, fol. 377).

esq., of York, who survived him forty-six years, and was buried at Ripon, Jan. 29th, 1701, he had issue :[1]

William Mallory, only son and heir, bp. about 30th Sept., 1647 ; died the 9th and was bur. 15th Feb., 1666, s.p.

1. Alice, eldest daughter and coheir, bp. 15th April, 1639. She was bur. at Ripon, Nov. 18th, 1660.

2. Mary, bp. Oct. 21, 1640, married Mr. George Aislabie of York.

3. Elizabeth, bp. 3rd May, 1642. This young lady, when 14, was the alleged victim to a local witch, of the name of Mary Wade, and the extraordinary story of her so-called possession is given in the Depositions from York Castle, published by the Surtees Soc., pp. 75-8. She survived the vomiting of pins, tow, feathers, etc., etc., and married Sir Cuthbert Heron of Chipchase, co. Northumberland, bt., who died in 1688, in which year Sir John Heron, bt., administered to his effects at Durham. He had also a son, Cuthbert, whose only dau. and heiress, Elizabeth, was living in 1705, the wife of Ralph Jenison, esq., of Elswick, and Walworth, in Northumberland and Durham.

4. Anne, bp. 16th May, bur. 25th of July, 1643.

5. Jane, married Arthur Ingram, esq. of Barrowby, brother of Henry, first Viscount Irwin, and died Aug. 1693, and was buried at Whitkirk. Her husband survived her until Sept. 16th, 1713. They had eleven children.

1. Thomas, the eldest son, married Frances, dau. and coheir of John Nicholson, of York, M.D. (who remd. — Wood of Copmanthorpe, esq.) and was bur. at Whitkirk, 24th Feb., 1703-4, having issue:

Arthur Ingram, who died May, 1708.

William, living 1714-19.

Thomas, a posthumous child, died an infant.

Frances.

2. Arthur Ingram, a Turkey merchant, afterwards of Barrowby, where he died, and was buried at Whitkirk, 19th June, 1742. By his wife Elizabeth Barns,

(1) I give some extracts from her Will, which was proved at York.

21 Dec., 1693. Dame Malory, relict of Sir John Malory of Studley, knight. To be decently buried near my said husband in Ripon minster. To my grandson Arthur Ingram, esq., son of my son-in-law Arthur Ingram of Barraby, esq., my tythes at Great or Little Askham, co. York, and my lands, etc., at South Kirby—if he die before 21, rem. to my grandson Malory Ingram, third son of my sd. son-in-law. Grandson Mr. John Aislabie 5*l.* Granddaughter Dame Mary Robinson and Mrs. Elizabeth Herne 5*l.* a piece. Res. to my son-in-law Arthur Ingram—he exr. (Pr. 24 July, 1702, by the exr.)

he had an only daughter and heiress, who married the Hon. George Carey, brother to Lord Falkland.

3. Mallory; 4 Henry; 5 John, died young.

Of the daughters, Mary and Catherine were unmarried, and Elizabeth (who died in April, 1707, and was buried at Whitkirk) married Abstrupus Danby, esq., of Swinton, whose line expired with the late William Danby, esq., of that place.

6. Ursula Mallory, bur. at Ripon, 22nd March, 1654-5.

Sir John Mallory was interred in Ripon minster on January 24th, 1654-5. There is a very handsome monument to his memory in the aisle of the south transept, which bears his arms —Or, a lion rampant, double queue, gules, collared, argent; impaling, azure, a fess, or, between three trefoils, slipped, erminois—and this inscription :—

Here lyeth Sr John Mallorie,
of Great Studley, alias Studley Royall,
in the County of Yorke, kt., a Loyall
Subject to his Prince, whoe marryed
Mary, one of the daughters and Coheires
of John Moseley of ye Citty of Yorke,
esq., & upon ye 23 of january, 1655,
& in ye 45th yeare of his age departed
this life, he had seuen children, six
daughters & one son, William Mallorie,
whoe dyed ye 9th of February, 1666,
and in the 20th yeare of his age, and was
buryed neare this Monument whih ye
Lady Mallorie in ye yeare 1678 in
Memory of her husband & son causid
to be erected.

It is somewhat remarkable that in an age when sepulchral memorials abounded with inflated compliments and fulsome panegyrics —when every soldier was proclaimed a hero, and every divine a saint—that Lady Mallory should have been contented with this brief and modest memorial of her husband's loyalty, and omitted all further detail of his exploits and sufferings in the royal cause. These laudable services were, indeed, commemorated in the church; but the memorial was committed to a fragile fabric of glass, which has now betrayed its trust. In one of the windows of the north aisle of the nave was his shield of arms, impaling that of his wife, surmounted by a knight's helm and his crest—a horse's head, couped, purp., maned, or. Below was a long inscription, of which the following unconnected fragments remained until lately :—

. . . . æ et . . D. D. D. . . de . chlor . .
sidera Mallory . . Ecclesi . . deli . honoro . Chiliar
Marti defuncti . . Memoria Car. I., A'o D'ni 1664.

In the next window to the east Lord Grantley caused his achievement to be placed. Among the quarterings are the arms of Tempest of Studley, Waddington, Washington, etc., which his lordship bears in right of descent from the younger coheir of Tempest, and in common with the representatives of the elder coheir.

Sir John was succeeded by his son,

WILLIAM MALLORY, ESQ., on whose death, in 1664, the estates passed to his brother-in-law,

GEORGE AISLABIE, ESQ., of the Minster Yard, York, who married Mary, the eldest surviving daughter and coheir of Sir John Mallory, was the son of Mr. Robert Aislabie, of Osgodby, near Selby (who died in 1664) and was baptized at Hemingbrough, 30th Jan., 1617-18. His first wife was the widow of William Turbutt, esq., of Ripon, by whom he had no issue. Mr. Aislabie was an active and zealous supporter of the royal cause—a circumstance, of which honourable mention is made in the grant of armorial bearings, made to him, by Sir Edward Walker, garter, 25th October, 1663.[1] The coat then assigned to him was:—Gules, three lozenges conjoined in fess, argent, between three lions' heads erased, or; and the crest, a lion's head erased, gules, gorged with three lozenges conjoined in fess, argent: probably in allusion to an old Durham family of that name, who bore gules, three lozenges, argent. Archbishop Frewen appointed him his receiver;[2] and he held also the office of principal registrar of the archiepiscopal court of York. Mr. Aislabie came to his end in a very unfortunate manner. Miss Mallory, his wife's sister, had been to a party at the Duke of Buckingham's house on Bishophill, at the close of which she was escorted home to her brother-in-law, Aislabie's, house, by Mr. Jonathan Jenings, brother of Sir Edward Jenings of Ripon. By some mischance they could not get in, and so Mr. Jenings was obliged to take the lady to the residence of his brother-in-law, Dr. Watkinson. On the following day Jenings told Aislabie that it was hard Sir John Mallory's daughter must wait at George Aislabie's gates and not be admitted. This produced a quarrel and a challenge, and the two met at Penley Croft, close to the city, the signal of the meeting being the ringing of the

(1) See Docquet of the grant, *MS. Harl.*, 1172, fol. 78.

(2) Frewen's Vindication from Drake's Remarks.

minster bell to prayers on a good Sunday morning. Mr. Aislabie was killed. An account of the transaction was left by Oliver Heywood, the nonconformist, in his Diary, and the original Depositions referring to it have been published by the Surtees Society. No event in Yorkshire in the latter half of that century caused so great a sensation. Mr. Jenings was influential enough to obtain his pardon from the king, but it was long before the incident was forgotten. Jenings was afterwards knighted, and prepared for publication a tract entituled "Naked Truth," to vindicate his character from the slur which the duel had thrown upon it, but it never went through the press. The slur remained.[1] Mr. Aislabie left a will, dated 1st May, 25th Car. II. His remains were interred in York minster, where two brass plates recorded his death and that of his wife, who survived him but eight years.

Hic jacet Georgius Aislabie de civitate Ebor, armiger, principalis archiepiscopatus registrarius, qui obiit decimo die Januarii Anno Domini 1674to

His widow did not long survive him. She made her will on June 15th; 1682. [Proved 6th Feb., 1682-3].

"Mary Aislaby, of the city of York, widow, relict and sole executor of the last will of George Aislaby, late of York, esq. Whereas my late husband by by his will, dated 1st May, 1674, devised his manors of Hutton and Nunwick, the prebend of Nunwick, etc., and his office at York to me, untill his eldest son shall be 23, in trust for all his children, and whereas after his death there was a decree in Chancery whereby the said manors, etc., were and are charged with a debt of £2035 6s. 8d. to John Moorecroft, gen., and whereas upon the marriage of Mary Aislabye, my eldest daughter, with William Robinson, esq., I have paid or secured £3000 in full of her portion.—I give the said manors, etc., to Wm. Robinson, esq., and Arthur Ingram, esq., untill my eldest son be 23, for the maintenance and education of my children unpreferred, and all my goods. I make them exors. and guardians."

Mrs. Aislabie was buried in York minster, on 5th February, 1682-3. On a blue marble stone was:—

"Hic jacet Maria filia Domini Johannis Mallory nuper de Studley, militis, defuncti, ac nuper uxor Georgii Aislaby de civitate Ebor., armigeri, principalis archiepiscopi Ebor. registrarii, et jam defuncti, quæ obiit xix die Januarii anno Domini 1682." And over her hangs up in a wooden frame this lozenge escutcheon of her husband's arms, impaling hers:—Gu. 3 lozenges in fess A. inter as many lions' heads, erased O (Aislabie) O. a lyon rampant double quivee gu. collared A. (Mallory). *(MS. Torre).*

By this lady, who was his second wife, Mr. Aislabie had issue a large family.

(1) There was an action in the York Consistory Court, brought by Jenings, against Cuthbert Chambers, alderman of Ripon, for defamation. Some of Jenings's servants had damaged some rails in front of Chambers's house, and the irate alderman told their master a bit of his mind. "It wd have been better if he had been at church praying God to wash Mr. Aislabie's blood off his hands instead of pulling up honest men's rails on a Sunday morning."

1. Mallory, bp. at York minster, 16th Oct., 1667. He shot himself.

2. George, bp. at Holy Trinity, Goodramgate, York, 2nd Nov., 1669, and was buried in York minster, 16th Feb., 1675-6.

3. George, eldest surviving son.

4. John, bp. at Holy Trinity, Goodramgate, York, 7th Dec., 1670.

5. William, director of the East India Company, died at Bombay, of which he was deputy-governor, Nov. 10th, 1725. He married a daughter of . . . Burniston, governor of Bombay. William Aislabie, their son, had a son, John, born in London, Nov. 15th, 1729, a captain in the army, who married Elizabeth, elder daughter of John and Arabella Scattergood.

1. Mary, born 25 August, 1664, married at Wheldrake, near York, 8th Sept., 1679, William, afterwards Sir William Robinson, of Newby-upon-Swale, bart. More will be said about their descendants afterwards.

There are some very amusing letters published in the original edition of the *Spectator*, No. 328, but afterwards withdrawn, addressed to Sir William Robinson and a lady, by a respectable Yorkshire gentleman "*Who was in troubel about a Lady*," Sir William's "*nease*," one of which desires his interference. In his postscript he says, "I give my to me lady and to Mr. Aysenby, and to Madam Norton." By Mr. "Aysenby" he probably meant Mr. Aislabie, brother to Lady Robinson. Two leters from the enamoured swain to the lady are printed *verbatim et literatim*, below.[1]

(1) This is for madam Mary Norton, disforth, Lady, she went to York.

Madam Mary. Deare loving sweet Lady, i hope you are well. Do not go to london, for they will put you in the numnery; and heed not Mrs. Lucy what she saith to you, for she will ly and ceat you. Go from to another Place, and we will gate wed so will speed, mind what I write to you, for if they gate you to london they will keep you there; and so let us gate wed, and we will both go, so if you go to london, you rueing yourself, so heed not what none of them saith to you, let us gate wed, and we shall lie to gader any time. i will do any thing for you to my poore. i hope the devill will faile them all, for a hellish Company there be, from there cursed trick and mischeifus ways good lord bless and deliver both you and me. I think to be at York the 24 day.

This is for madam Mary Norton to go to london for a lady that belongs to dishforth.

Madam Mary, i hope you are well. i am soary that you went away from York deare loving sweet lady, i writt to let you know that i do remain faithfull; and if can let me know where i can meet you, i will wed you, and I will do anything to my poor; for you are a good woman, and will be a loving misteris. i am in troubel for you, so if you will come to york i will wed you, so with speed come, and i will have none but you. so, sweet love, heed not what to say to me, and with speed come; heed not what none of them say to you; your maid makes you believe ought.

So deare love think of Mr. george Nillson with speed, i sent you 2 or 3 letters before.

I gave misteris elcock some nots, and they put me in pruson all the night for me pains, and non knew whear i was, and I did gat cold.

But it is for mrs. Lucy to go a good way from home, for in York and round about she is known; to writ any more her deeds, the same will tell her soul is back within, her corkis stinks of hell.

March 19th, 1706.

Alicia, bp. at Holy Trinity, Goodramgate, York, 26th Nov., 1668.

Anne, buried in York minster, 7th March, 1675-6.

Elizabeth Aislabie, buried in York minster, Oct. 14th, 1746.

1st July, 1746 (pr. 31st Oct) Elizabeth Aislabie of York, spinster. To my niece Worsley, the wife of Thomas Worsley, esq., 100*l.* To my god-daughter, Ann, dau. of Thomas Worsley, esq., my 550*l.* capital stock in the Bank of England. To my nephew, Wm. Aislabie, esq., 200*l.* To my god-dau. Ann, dau. of Sir Thos. Robinson, 200*l.* To my nephew Wm. Aislabie, esq., in trust for John Aslabie, son of Captain Wm. Aislabie, 400*l.*, to go, if he die before 21, to Sir Thos. Robinson, knt. of the bath. To my niece Eliz. Robinson 50*l.* Nephew Wm. Robinson, esq., 10*l.* Niece Mary Robinson 10*l.* and my silver coffee-pot and water. To the honble. Mrs. Cary and Mrs. Cath. Ingram 5*l.* each, for rings. My maid, Mary Lockwood, 10*l.* The residue to my niece, Elizth. Humphreys, she exr.

GEORGE AISLABIE, ESQ., was buried at Ripon in 1699. The property then descended to his next brother,

JOHN AISLABIE, of Studley Royal, esq., eldest surviving son and heir, was born about 1671. He entered into public life, a course in which his talents eminently qualified him to excel. In 1695 he was returned to parliament for the borough of Ripon, together with Jonathan Jennings, esq., nephew to the Sir Jonathan before mentioned; and again with him in the next parliament of 1698. In 1701 Ripon returned him again: next year he declined the honour, but was not unmindful of the interests of the town; for, being then mayor, he rebuilt the market cross at an expense of upwards of £500; beautified the wakeman's horn, which had been grievously despoiled of its antique silver ornaments and appendages, during the mayoralty of Mr. Hunton; and, besides other presents to the corporation, gave a large and very handsome silver cup or vase, for the use of the mayor, who now possesses it. He sat for Ripon in the memorable parliament of 1705; and in those succeeding, in 1708 and 1710, in which latter year he was appointed one of the six commissioners for executing the office of Lord High Admiral of Great Britain. In 1713 he was again chosen to represent his favourite borough; as he was also in the next year, together with Christopher Wandesford, esq., of Kirklington, afterwards Viscount Castlecomer, after a most severe and spirited contest. In this parliament he was chancellor of the exchequer, from 1718 to 1720, when he resigned the office, and sat no more in the house; except with his son, William, for Ripon, from 1727 to 1734.

It is unnecessary to say more of his parliamentary career; or, to detail those affairs of state which he skilfully managed;

or those political transactions in which he was so long engaged: for, a relation of them would neither be just to his memory and abilities, nor sufficiently intelligible without entering further into the general history of the times than the limits of this memoir will allow.

To have risen from the rank of a country gentleman to one of the highest and most important offices of state, without any connection with any of those who held the adminstration of affairs, or any interest except that which the exercise of his own abilities had created, will induce us to judge favourably of the native vigour of his understanding and the energy of his character; and the more, when we remember that men of his station were then placed in a very different position, and were engaged in far different pursuits to what they are at present; and that they had fewer and less advantageous opportunities of cultivating their talents or of acquiring useful knowledge. His speeches, of which memorials of several are extant, were distinguished by much perspicuity of thought, justness of reasoning, and extensive knowledge; and, though he did not attempt the highest flights of eloquence, they were conveyed in such a manner as must seldom have failed to convince the judgement, and make a deep and sensible impression on those to whom they were addressed. But it was not in the arena of political turmoil alone that Mr. Aislabie's superior abilities were manifested. After he had exchanged the charms of ambition for the sincerer pleasures and better occupations of a country life, he applied himself to the study of an elegant and delightful art, then little understood and less practised; and, of his proficiency therein, so long as the far-famed pleasure grounds at Studley remain, we shall not require a proof. These enchanting scenes were projected and commenced as early as 1720, an era when landscape gardening was in its infancy, and the practice of introducing large and expensive buildings, ponds, etc., had scarcely become fashionable. The site was judiciously chosen in a narrow valley, where the Skell, which flowed through it, afforded a plentiful supply of water; without which, the best arranged and most extensive garden must be, comparatively, a failure. Everything that fancy could suggest was included in the design—ponds, pyramids, fountains, terraces, harbours, statues, temples, stately alleys, shady walks, trim parterres, and velvet lawns; with a multitude of quaint and pleasant conceits, which the taste of those who are contented with nothing less than a wilderness up to their very doors, may have condemned, but which they, who look upon their existing pictorial

representations, cannot but regret that they have not been permitted to remain. In addition to these embellishments, he introduced many improvements into his estate, planted much; added considerably to the park, and erected a lodge at its entrance; rebuilt a great part of the mansion house at Studley, after it had been destroyed by fire, Dec 25, 1716. In short, appears to have been what his neighbour, Sir Abstrupus Danby, of Swinton, is styled on his gorgeous monument:

"FAMILIÆ SUÆ RESTAURATOR."

There is a very splendid full-length painting of him in the great hall at Studley. His person appears to have been dignified and commanding; and there is a certain conviction strikes the beholder that it is an excellent likeness, and that, too, of no ordinary character.

In 1720 he presented the corporation of Ripon, of which he was an alderman, and whose interests he often seems to have consulted, with the munificent sum of £2000.

In the following years he patronized the races on Ripon Common, by a gift in 1722, of £30; in 1723, of £45; and in 1724, of £25. On the second occasion, Mrs. Aislabie gave a silver teapot and canister, of the value of £12; and, on the last, a piece of plate, of the value of £15., to be run for by women.

Mr. Aislabie was twice married. His first wife was Anne, daughter of Sir William Rawlinson, of Hendon, in the county of Middlesex;[1] but he was deprived of her a few years after, by a fire, which broke out in his house in London, on Christmas day, 1701, in which she and her infant daughter perished, by the hand of a domestic, who perpetrated the foul deed that he might obtain a casket of jewels, which she had rescued. Her only son was conveyed unhurt out of an upper window; but his nurse, attempting to follow him, fell, and was killed on the spot.

By this lady he had issue, to survive infancy,

1. William, only son and heir.
2. Mary, married to Edmund Waller, of Beaconsfield, co. Bucks., and London; and had issue.
3. Jane, married to Sir Henry Slingsby of Scriven, bart., and died at Beaconsfield, without issue, May 31, 1736.

He married, secondly, Judith, daughter of Sir Thos. Vernon, of London, knt., and many years M.P. for that city, sister to Elizabeth, wife of Simon Lord Harcourt, Lord High Chancellor

(1) Marr. Settlements dated 2nd June, 1694. Her fortune was £5000.

of England, and widow of Stephen Waller, esq., LL.D., of Beaconsfield, co. Bucks.

This eminent man died in 1742, aged 71, and was buried in the family chapel, in Ripon minster, where a handsome monument records his age, and the date of his death, with that of several of his descendants. By will dated June 9th, 1741 (proved at London, 8th July, 1742), he left all his lands, etc., to his son William, whom he made his executor, bequeathing to him also his books and MSS.

| In the Vault beneath are deposited | Died. | Aged. |
|---|---|---|
| THE RIGHT HONOURABLE JOHN AISLABIE. | 1742 | 71 |
| He married Anne the Daughter of Sir William Rawlinson, and had Issue, William, Mary, and Jane. | | |
| William Aislabie, Esq. | 1781 | 81 |
| THE RIGHT HONOURABLE LADY ELIZ: AISLABIE, Daughter of John Earl of Exeter, and Wife of William Aislabie, Esquire | 1733 | 26 |
| Also four of their Children. | | |
| JOHN AISLABIE | 1763 | 40 |
| WILLIAM AISLABIE | 1759 | 30 |
| Jenny Maria, and Judith, who died in their Infancy. | | |
| ELIZABETH AISLABIE, Daughter of Sir Charles Vernon, Knight, and Second Wife of William Aislabie, Esquire | 1780 | 58 |
| Also their two Children, Charles Rawlinson and Belinda, who dyed in their Infancy. | | |

WILLIAM AISLABIE, of Studley, esq., only son and heir, was born in 1700. On attaining his majority he was elected M.P. for Ripon, and sat for the borough in every parliament until his death. He was mayor of Ripon in 1740; and, for many years, one of the Auditors of his Majesty's Imprest. He was also Principal Registrar of the Consistory Court of York. He died in Grosvenor Square, London, May 17th, 1781, and was buried at Ripon.

He had the felicicity of adding to his vast possessions, the magnificent remains of Fountains Abbey—one of the most renowned of those fair structures, which gem the rich valleys of old England; and, it is to his liberality and taste, and that of his descendants, that every man, who has an eye to see and a heart to feel, is indebted for the preservation of that

"Noble wreck in ruinous perfection."

The contemplation of the beauties of nature, and rural occupations, formed his chief and unceasing delight; and, it was his greatest pride, in the wild and romantic scenery of Hackfall, to give to

> —— "The woods a more fanciful bend,
> And the vale a more beautiful green."

He married, first, the Lady Elizabeth Cecil, daughter of John, sixth Earl of Exeter, by Elizabeth his second wife, daughter and coheiress of Sir John Brownlow, of Belton, co. Linc., bart. She died April 6th, 1733, aged 26, and was buried at Ripon on the 28th. They had issue,

1. John Aislabie, esq., eldest son and heir apparent, was born March 6th, 1724-5: he died unmarried, in 1765, aged 40, and was buried at Ripon. He was of weak intellect.
2. William Aislabie, esq., born Feb. 18th, 1728-9, died unmarried in 1759, aged 30.
1. Elizabeth, eldest daughter, and eventually coheiress of her father, was born July 12th, 1726. She married Charles Allanson, esq., of Bramham Biggin, co. Yorks., but died without issue.
2. Anna Sophia, second daughter and coheiress, born Sept. 20th, 1727; married William Lawrence, esq., of Ripon; and died 28th July, 1802. She was buried at Kirkby Fleetham, where she is thus commemorated:

> This Tablet
> is inscribed to the Memory of
> Mrs. Anna Sophia Lawrence,
> who departed this Life
> on the 28th day of July, Anno Domini 1802,
> in the 75th year of her Age.
> Her Remains lie buried near those of
> her Husband and Son;
> in commemoration of whom
> the neighbouring Monument was erected.

3. Sophia, died unmarried.
4. Jenny Maria Aislabie, born June 26th, 1731.
5. Judith, born 1732.

William and Anna Sophia Lawrence had issue two children. The eldest,

Elizabeth Sophia Lawrence; and,

William Lawrence, of Kirkby Fleetham, esq., born in 1763. He was first educated at the Charter House, and afterwards at St. John's College, Cambridge; where, having taken his first degree, already in a languishing

state of health, the slow but sure progress of a consumption induced him to seek the benefit of the medicinal waters, and the more genial climate of the south of England, where he died.

There is a superb monument to his memory in the church of Kirkby Fleetham, where he was buried, designed and executed by Flaxman, with an inscription commemorative of his amiable qualifications and untimely death. "But," says Dr. Whitaker, "it falls to the lot of one who knew him well, and valued some of his endowments, there omitted, more highly than the writer of that epitaph, to add, that the zeal and skill, which at that early age he displayed as an antiquary, promised, with the advantages of the great fortune which awaited him, to place him at the head of that useful and delightful pursuit. His numismatical knowledge, in particular, was very considerable."

That enthusiastic and able antiquary, John Carter, also bewailed his loss, *more suo*, and mentioned that Mr. Lawrence had once expressed a wish to be buried in the Cloisters at Fountains.

The taste of Flaxman was always happy in symbols; and accordingly the monument of Mr. Lawrence, besides an animated bust, which bears a striking resemblance to the original, represents a museum, with books, charters, coins, and all the favourite attributes of an antiquary, displayed with that irregularity, in which antiquaries delight.[1]

Near this Monument,
erected to his Memory
lie the Remains of William Lawrence,
the only Son of William Lawrence, Esq.,
of this Place,
by Anna Sophia, his Wife,
Daughter & Coheiress of
William Aislabie, Esq., of Studley Royal,
in this County.
He died on the 7th day of November, A.D. 1785,
in the 22nd Year of his Age.
At that Early Period
his gentle Manners and interesting Character
had so powerfully conciliated
the Affection & Esteem of all who knew him
that a longer life
would rather have added to the Number
than have increased the Attachment
of his Friends.

1) Whitaker's Richmondshire, ii., 64.

——— "for since the first Male Child,
"To him who did but yesterday suspire,
"There was not a more gracious creature born."

By the Remains of his Son
are deposited the Remains of the above-mentioned
William Lawrence, Esq.,
who died in the 76th year of his Age,
on the 2d. day of September, A.D. 1798,
having sat as a Representative
for the Borough of Ripon
in six Parliaments.

We now return to Mr. Aislabie.

He married, secondly, at Ripon, Sept. 6th, 1745, Elizabeth, daughter of Sir Charles Vernon, knt., sixth son of Sir Thomas Vernon, before mentioned, by whom—who died in 1780, aged 58, and was buried at Ripon—he had issue,

Charles Rawlinson; and

Belinda Aislabie, who both died in their infancy.

Mr. Aislabie died at Grosvenor Square, London, May 17th, 1781, and was buried in the family vault in Ripon minster. By his Will dated 5th April, 1776, Mr. Aislabie entailed his estates on his two daughters, in succession, and their respective issue. His last surviving son, having died sixteen years before him, he was succeeded in his estates by his eldest daughter and coheir,

Mrs. Elizabeth Allanson, who seldom resided at Studley, but generally in London, or at her villa at Twickenham. She died at London, after having been many years a widow, March 8th, 1808, aged 82, and was buried in the family vault in Ripon minster.

Dying without issue, the inheritance devolved on her neice,

Miss Elizabeth Sophia Lawrence (only surviving child of William Lawrence, esq., and Anna Sophia, his wife, the younger daughter and coheiress of W. Aislabie, esq.), was born at Kirkby Fleetham, Feb. 18th, 1761, and bap. at Kensington on 13th March. After a long and most useful life she died in July, 1845.

Upon the death of Miss Lawrence, her estates reverted to the descendants of Mary, daughter of George Aislabie, esq., and her husband, Sir William Robinson of Newby, the representative of whom, in 1845, was Thomas Philip Robinson, Earl de Grey. Upon his decease, in 1859, Studley came into the possession of his nephew, the present Marquess of Ripon.

# FOUNTAINS ABBEY.

WE APPEND TO THE TITLE OF STUDLEY THE DESCENT OF THE ABBEY AND ITS APPURTENANCES.

On Oct. 1st, 32nd Henry VIII. (1540) the king by his Letters Patent granted the late dissolved monastery of Fountains and the site thereof, with all liberties and franchises, to Sir Richard Gresham and his heirs. This was only a part of the purchase for which Gresham paid to the king the large sum of £11,137 11s. 8d. For the history of the Greshams the reader must examine the well-known work of Dean Burgon.

On March 1st, 1596-7, William Gresham, esq., and Thomas Gresham, brother of the said William, by deed enrolled, convey the manor and lordship of Fountains, and other the premises, to Stephen Procter, of Warsell, esq., and his heirs, for £4,500.

We are scarcely able as yet to give a proper account of Stephen Procter, who was an officer in the court of Elizabeth and James I. Those who consider that the purchasers of abbey sites and lands are subject to extraordinary vicissitudes of fortune might cite his life in proof of their theories. It is a life of which we should like to know much more, and of which much more will some day be discovered.

When Stephen Procter built himself a mansion at Fountains out of the buildings of the abbey, he placed in the windows of his hall, in coloured glass, a pedigree and armoury of his family which he deduced from Frierhead in Craven. There is every reason to believe that this pedigree is fictitious, and it is unnecessary, therefore, to cite it here. Procter seems to have been the son of — Procter, of Warsell, near Ripon, and was no doubt descended from a numerous family of that name, who were tenants under the monks of Fountains on their estates in Craven. In 1525 a certain Geoffrey Procter, who resided at Nether Bordley, in the parish of Rilston, made his will, from which we gather important information in connexion with his

family. He had four sons, Sir Henry, Richard, Robert, and William, of whom the two last had issue. Robert married a daughter of the ancient house of Hagthorpe, of Hagthorpe near Selby, and died before 1525, leaving three sons. Of these Geoffrey, according to his grandfather's desire, was to be made a servant in the household of Lord Percy. It is probable that he is the Geoffrey Procter of Malham, gent., who, in 1551, was executed at York, for the murder of Hugh Diconson, forfeiting by that act to the Crown the manor of West Malham in Craven.

Geoffrey Procter had two brothers, William and Richard, who, in accordance with their grandfather's desire, were to be apprenticed in London. It is perhaps from one of these, or from Henry Procter their first cousin, that Stephen Procter descended.

At all events, we have in this way a connexion with the metropolis, and it is not difficult to see how a courtier, like Procter, with ample opportunities for acquiring money and few scruples as well, would have a chance of making himself a position and a name in his native county out of the falling fortunes of the Greshams.

When Procter became possessed of the site of Fountains Abbey, he pulled down the abbot's house, and built out of the materials a residence for himself, which is known by the name of Fountains Hall. This was erected in 1611, and cost £3000. It is a stately building, well worthy of a visit, and a characteristic specimen of the architecture of the period. Here (Sir) Stephen resided when absent from his duties in London. With his neighbours, particularly with the Mallories of Studley, he seems to have lived on suspicious and unfriendly terms, and there is evidence enough to shew that he was an oppressor as well as an upstart. We chronicle some of the events in his life which have occurred to us.

The first document in which Procter occurs to us is one of a very extraordinary character, and is to be found among the Cæsar Collections in MS. Lansdowne, clxvii., p. 20.

xxv^to^ Julii, 1602. The voluntarie declaracion of David Paler, prisoner in the castle of York, condemned for burglary, taken before Sr. Edward Stanhopp, knight, and John Bennett, esq., two of her Ma^ts.^ Counsell in the North, the day and yeare first abovesaid.

Md that Henrie Tankerd, esquire, one of her Mats. Justices of Peace in the countie of York, came to me the said Sir. Edward Stanhopp, and told me that Mr. William Watkinson, being appointed by the Justices of Assize to take another Justice of Peace wth him, and to go this afternoone to the castle to hear what the said Paler would say, for that he had sent them word he had

some things stuck in his conscience, which he was desirous to make knowne to authoritie before he died.

To whome when they came hee kneeled downe, and said he asked God mercie for his offences, and desired not to speake wth them, to th'end to make meanes for his lief, although he knewe Mr. Watkinson would be willing to do him goode, but was well contented to dye.

Nevertheles he hade some matters which he would be willing to disburden his conscience of, least for lack of prevention mischief might come to some that had been pretended, and other inconveniences ensue, whereof he had bene heretofore used to be an instrument; and declared unto them some matters which they were nowe loath to heare; nevertheles said he was then troubled in mynde thinking on the short tyme he had to live and to prepare himself towardes God, but would and could say more if he might be brought before others of greater authoritie, having counsell: and espying out of the window Mr. Stephen Procter in the castle yarde, required he might speake wth him; who as soon as he came into the chamber, the prisoner kneeled downe and asked him forgiveness, and said he had been used as a meane to make him away, and bad him look to himselfe, for he thought there were neare fortie that meant to do him a mischeife, and that he was once wished at one tyme to sett upon him when he went through a ford, but protested that for his owne part he never bore Mr. Procter mallice. Mr. Procter desired God to forgive him, and so went his wayes.

Uppon this their speeches, I, Sr. Edw. Stanhop, sent to Mr. Hesketh. to joyne wth me to heare what the prisoner had to saie, but he being gon newly to Heslington, I sent for Mr. Doctor Bennett, and we thought good to send for the prisoner to heare what he would saie, and likewise Mr. Watkinson, because he was sent to the prisoner by the judges.

And now the said David Paler, being brought before us, saith that he is desirous to alter something that hath been intended to the mischeif of some of his Matis. justices of peace of the countie of York: And first, for Mr. Procter, he saith that about two yeares since, he being then keeper of Studley park, Mr. John Mallorie declared to this ext that Mr. Procter had a suspicion that there was a semynarie kept in the new lodg of Studley park, and wished this ext, being then a keeper of the same park, to get some frende that should disguise himself like to a semynary, that should be seen at that lodg, and that he should cary drinck to the lodg, whereby it might seeme to Mr. Procter, or such as he should sett to watch, that some bodie was relieved there wth meate and drinck, and that it being likely he would come himself in the night season to search that lodg, and that then ext. and one Hugh Billington, who had been keeper of that park before this ext., should lay in wait for him, and, espying him coming out of any highway, they might dispatch him either with peece, or bow and arrow, being within the park.

And he saith that the said Hugh Billington was made privie to this and watched with him, but Mr. Procter, nor none other came, and saith that he this ext. did not disguise any as a preist, but caried drinck to the lodg as aforesaid.

And saith that at another time one John Atkinson, somewhat above a yeare since, offered this ext. above xxli., and a horse, to kill the said Mr. Stephen Procter, and told him that he saw him not long before at a foord or beck called Laver or Daunegill, whether of the two he remembereth not, and but one man with him, at which tyme this ext. might easilie have killed him, Mr. Procter, and his man both, and tourned them both downe the river.

He saith further that about Easter was twelve month or Easter was two yeares, the time he parfectly remembreth not, but it was at the tyme of a generall search for preists, he this ext. was sent by Mr. John Mallorie, then his master, to one Mr. Steele's house of Haddockstones, being a Recusant, to give him warning, and bid him take heed for that there would be a search, and sent a letter unto him at the same time by this ext. But what the letter imported further he knoweth not, and this was about a day before the generall search was made.

He saith further that the said Hugh Billington told this ext. divers times when he kept Studley park under Mr. John Mallorie, he had kept in his lodg an old popish preist by the appointment of Mr. John Mallorie, and cursed him for it; but this he saith only on the report of Billington.

And saith that whereas one Outhwaite made title to a house that this ext. dwelt in called Daunegill, being my Lo. of Derbie's, and that there had been much strife for possession of both sides about Easter was two yeares, he making his moane to his said master Mr. John Mallorie, he bad him go keep possession with his gunn; and, if Mr. Procter came, to shott him, and that afterwards Mr. Procter came as a justice of peace with a great many, and tooke possession from him, but came not neare him to be shott, but that Mr. Procter the same tyme tooke away his peece, and requireth that he would bestowe the worth of it on his children.

Being examined whether any did this assize put him in hope of liefe to th'end he might ether accuse Mr. John Mallorie of theis matters, or for any other respect, he saith none did put him in hope of his liefe but Mr. John Mallorie, and that he to some of his frendes bad them trust to no other but him for his liefe, and he would serve his tourne, for he had spoken to Baron Savell, and would speake to my Lo. for him; and uppon Thursday saith that Mr. John Mallorie called to this ext. at the grait and bad him trust to him for his liefe, and he would serve his tourne, so he kept a good toung in his head.

He saith further that Hugh Billington told him that one Buck, sonne of one Bucke of Gowbusk neare Salley, had committed a burglarie, and that the said Billington made meanes to Mr. John Mallorie for him, and carried him xls. to save his neck at a gaol delivery at Rippon, and that Buck thereuppon escaped.

He saith that other matters of this nature he cannot now think of nor remember, for that his minde is of Christ, and meditating how to die like a Christian man, and asketh God and all the world forgiveness, and that he served Mr. John Mallorie justly seaven yeares and never had penney wages, and feares that this trouble which is comd uppon him was for his true service to him. But he doth freely forgive him and all the world.

DAVID + PALER'S marke.

Edward Stanhop, Jo. Bennett, Willm. Watkinson, H. Tankerd.

Mr. Procter was knighted, with many others, at the Tower, on March 14th, 1603-4.

On the 16th of June afterwards, the king gave him a grant in fee-farm of all privileges possessed by the abbot of Fountains, as heretofore enjoyed by Sir Richard Gresham.

The feud between Procter and Sir John Mallorie was violent, as appears from the following papers.

Endorsed, Sir Stephen Procter. A Breviate of the Bill and Answere.

By the Bill.

1. He is charged with intollerable abusing, vexing, and greeving many thousands taking many bribes, presuminge to dispence with penall lawes, seizing their persons and their goods, and searching their howses, coffers, and trunks, and spoyling them of their money and goods. And taking uppon him the office of a justice of peace where he was none.

1. *Answere.* There is not one particular of any of theis duly proved in all England against him.

2. Also that he extorted annually the penalties of bonds.

2. *Answere.* The act of parliament of a° i. E. I., etc., warrants the exchequer to send forth commissions to levie the king's debts.

That he levyed debts (nichilled uppon good cause).

*Answere.* Whereby theis services, without cruelty or just greevance, were performed, many frauds discovered and people eased.

That he answered not a third part of that he levied.

*Answere.* And no one person as yet have come justly to complayne of greevance by Sir Stephen Procter in all England.

That he used the king's hand in his foresaid oppressions that was given him for other purposes.

*Answere.* And for Sparke that complayned for seazing his two oxen, he was urged to come, and complayninge without cause, he went home without reliefe.

That he used a signitari of the Rose, the Thistle, and the Crown.

*Answere.* He never used seale nor the king's hand, but as is justifiable to be tryed by any legall course, and as is grounded uppon good warrant for each of the subject.

And it will not be founde that he doth conceale one penny of that he levyed in all England, nor that he hath gone wthout the lymitte of his comissions for anything to the value of a pin.

Theis were all the witneses produced from all the corners of England, none of them speaking upon oath, none coming voluntarily, but as they were sent for and compelled, but theis no way concerned the commissions.

1. One Trotter, a keeper of pygeon holes, himself having been araigned for stealing the Queene's plate, and his wife for keeping a house of all lewdness, having been twice carted through London.

2. One Hage spoke of the report of one Bowland, and Bowland him self utterly denied it.

3. A barbor's wife having her house searched uppon good cause by lawfull warrant, had stollne goods found in her house, and shee said shee lost vj. needles.

4. Also it was alledged of great wrong was done to one King by searching his house and taking away his money, but he was a cutt-purse, his money was by officers taken to be viewed, and after it was restored he cutt another purse within one moneth and was hanged.

5. Also there came one Heaton that stands already sentenced for wilfull perjurie.

6. William Fawconbridge sent his examinacion which was redd, but himself stands indited, both for fellony and pettie larceny.

7. Edward Wood sent his testimony in writing also, himself standing both sentenced to the pillory in the Star Chamber, and outlawed for fellony at the assize.

The two last were witnesses for Sr. J. M. (*Domestic Series*, liv.)

Md. Will'm Fawconbridge doth say, and will be ready as he saith at all tymes to depose what hereafter followeth, viz. :—

That this Candlemas tearme, 1608, he the said Fawconbridge and Edmond Wood, being sent to London to Sir Stephen Procter by the Lady Procter his wife, and they both being often conversant with Sir Stephen in his chamber about practising against Sir John Mallory, at one tyme Mr. Gryffith Winckles came unto Sir Stephen's chamber, when the said Wood was there, and did take Wood by the hand and spoake to him. But when Mr. Winckles was gone, Sir Stephen was very sory that Wood was sene of him, and said he had rather have given a hundreth pound : and Tho. Ashton his man was angry with Wood that he did not tourne his backe towards Mr. Winckles to have concealed himselfe ; he saith that one Mr. Casson, the king's messenger, did give Wood good intertainment upon acquaintance that he had with him at Sir Stephen's chamber, and that one Mr. Burgam was often with Wood at Sir Stephen's chamber, of whome they had advice he thinketh that James Singleton saw him there also. He saith that Wood was at Fountance hall a litle before Christmas last, as Ann Stell tould him ; and that about the same time he the said Wood was at Grantley, at Miles Pickersgill's, where Tho. Ellis and John Bramley Sir Stephen's men, mett him. He saith that Lady Procter in his hearing did comand John Bramley, her man, to goe to David Elsworth's and give Wood and him each of them xs., for there charges to London, which Bramley did in the presence of Elsworth and his wife. He saith that William Thornton and John Bramley was at Francis Beckwith's house with Wood about Martinmass last, about practising with him against Srr John Mallory, and Gilbert Beckwith's doughter Kate did fetch them a gallon of aile at Richard Potter's. He saith that Srr Stephen did send out his warrant to apprehend Wood, being outlawed for fellony ; but afterwards Srr Stephen, coming to Kirkby, demanded it of Leonard Ripley the counstable, to have it in ; but the counstable not haveing it, William Thornton prayed him, the said Fauconbridge, to gitt it of Mr. Hewood, who had it, and that he, the said Fauconbridge, would not deale against Wood, whereupon he the said Fauconbridge went to Mr. Heywood and gott it, and carryed it to Fountance and delivered it to William Thornton, and that the Lady Procter tould him that their enemies should not have the benifitt of there warrant to apprehend Wood withall. He saith that he was with Tho. Ashton when he served procis of William Duffeild, and that Duffeild never spoake any such words as Ashton had made affedavit of against him in the Starchamber.

He saith also that Sir Stephen hereing that Hugans his house, Srr John Mallorye's lodgings, in the Strand, was infected with the plague, willed to kepe it cloase when Srr John came up, that no report might come to him of it, and soe happily the plague would light on him, and rid him of him.

He saith also that Srr Stephen promissed Wood an office under him at London, and himselfe an office here in the country worth xli. a yeare about ye king's debts. WILLM. + FAWCONBRIDGE. Marke.

(*State Papers, Domestic Series*, xliii., 115).

Among the MSS. belonging to Sir A. Hood (*Historical MSS.*, vi., 351) is a folio volume, said with great probability to be by Sir Stephen Procter, on "Certayne speciall projects for the discovery of abuses and misdemeanours in offycers, tradesmen, and merchants, which will bring infinyte sommes of monye to his majesty's coffers, and much satisfaction and good to the Commonwealth." The result of this was a royal grant, on July 31st,

1609, to the author, of the office of Collector and Receiver of Fines on penal statutes, a position which gave the holder a very dangerous power, which an unscrupulous person might exercise to a very serious extent. It will be seen afterwards that Procter was charged with fraud and extortion.

On August 31st, 1609, Procter writes the following letter of complaint to Thomas, Earl of Exeter.

Where it please yor Lop., and my Lady of Derby, in the late agreement for my lande, by writinge under your owne handes, accordinge to my humble request, to agree that I should contynewe the stewardshippe which I then held by pattent, under my Lord, and your Honor at will. Nowe my wife, myselfe and frendes, have given upp our interests and executed all assurance I demaunded, and for which I have taken farr lesse than my Lo. had offered me, because I would ever depend a servant of that noble house. Sir John Mallory, with 40 or 50 men in the last open faire at Thriske, hath proclaymed himselfe your Lps. high steward, and so did put owte my deputie in such disgracefull manner, as much effusion of bloode might have ensued, yf greate care on my part had not bene used. But now since my comeinge home, I findinge his power to proceede but by a deputacion from Mr. Gerrerd and Mr. Brock, without your Lp's or my Lo. of Derbye's hand, or any revocacion of my patent, I both do and still mynde to hould my possession against him of my right, beinge parte of the recompence I had for my land, untill I see it be your Lp's pleasure and my Lo. of Derby's to put me owte by your revocacion and discharge, which I must submytt unto, yf it be your will to have it soe, but I doubt not that your Honor will ever without any manner of offence or cawse on my part given, my former service considered, lett me be put out, and my mortall enemy preferred to my place to my utter disgrace and discomforth, and to the danger of much encreasinge of further quarrels and debate. I know not howe I have offended Mr. Daccomb, that his hand is in this against me. But I gesse it is in hope of some greate benefitt Sir John hath promised my Ld. to raise here, what it may be I know not, but as yet I cannot learne of one penny except it be of his owne purse, he can drawe the country unto. But that and this and all I humbly submitt to your most honourable disposicion, onely beseechinge your Lp. yf any cawse be allowyd against me, that your Lop. will be pleased to heare my answere ere I be disgraced in this behaulfe. And so I most humbly take my leave, this last of August, 1609.

Your honor's most humbly to comand,
STEP. PROCTER.

Addresse. To the Right Honble. the Lord
Treasurer of England, theise. ddr.
(*State Papers, Domestic Series*, xlvii., 372).

Another letter, dated same day, and addressed also to the Lord Treasurer, about what progress he had made in putting into operation his "Patent of receivership of the King's Fines and Duties upon Penal Statutes." "I have gott it very well allowed, as well in the greate libertyes of the archbishoppe of Yorke, where I doubted most of it, as otherwise." He speaks again of "that malicious adversary of mine." (*Domestic Series of State Papers*, xlvii., 372-3).

These papers shew what dangerous weapons had been put

into Procter's hands, and how unscrupulously and unsparingly they were used. But he did not get his own way in everything. Among the State Papers of James I. there is a letter from Chamberlain to Carleton, dated Feb. 17, 1614, in which the writer mentions certain proceedings in the Star Chamber against Sir Stephen Procter, for endeavouring unjustly to involve two Yorkshire knights in trouble about the Powder Plot, and for slandering the Lord Privy Seal. It appears that he had been found guilty, and had been sentenced to imprisonment and the pillory, together with a fine of £3000. The writer doubts whether the sentence will stand. With this grave incident in his life Sir Stephen disappears. There is no Will made by him to be found either at York or London, and it is quite possible that he ended his life in the Gate-house.

Sir Stephen Procter, according to his own pedigree at Fountains Hall,[1] married "Honour, daug. of Raffe Greene," who is elsewhere described, in 1595, as "one of her majestie's servants and musician." They had four daughters and coheiresses. The widow of Sir Stephen resided for some time with one of her sons-in-law, at Cowling Hall, near Bedale, and the following extracts from her last Will are well worthy of being recorded.

Jan. 18, 1624-5. Dame Honor Procter, of Cowling, widowe. To be buried in the parishe church of Beedall. To Broythwell Lloid, my sonne-in-lawe, and Honor his wife, 50*l.* within the space of three moneths next after they shall signe, etc., such deeds, etc., made betweene mee, Thomas Jackson and Debora his wife, the said Braythwell Lloid and Honor his wife, George Dawson and Priscilla his wife, and Stephen Pudsey and Bettrice his wife on the one partie, and Sir Timothie Whittingham, knight, on th'other partie; and also a deed betweene mee, the said Brythwell Lloyd and his wife, George Dawson and Priscilla his wife, and Stephen Pudsey and Bettrice his wife on the one partie, and the said Thomas Jackeson on the other, for certaine landes in Bewerley. To my sonne-in-lawe Broythell Lloid and Honor his wife one silver bowll and one silver salt, to come to Charles Lloyde their eldest sonne. To my daughter Honor Lloyde one pearle neclace and a paire of bracelettes of pearle, one blacke velvett boxe, one chaine of aggettes of three linckes, and my best goune of silke with kirtle and bodies of damaske, one petticoate of crimson damaske with a paire of French bodies of taffetie, etc., one imbrodered cushionett with foure gold buttons, and one paire of bodies with kirtle of blacke velvett. To Stephen Jackeson sonne and heire to my said sonne-in-lawe Thomas Jackeson one great Cipres chist, one cabonett inlaid, one clocke standing in the hall, one standing bowle with a cover all gilt, and one stone spout jugge tippt with silver. To Elizabeth Jackson, eldest daughter of the said Thomas, one paire of brass scales and weightes, one doune bedd, etc., now at Fountaines, etc., one ryding savegard and cloake, hoodd and mittons, one stillytorie for roses, one great cabonett with glasses in it, one paire of silke vallance and cushen cloth of lawne edged with bone lace, one long cushion wrought with the lillye, one wastcoate of white taffitie and a cloake of white taffetie, one wrought pillow

(1) In the heraldic window are coats of Greene, impaling, severally, Crew, Pollington, and Broughton.

beere for a cradle, and a mouth cloath of the same worke, one vale of lawne, one long bibb, one cappe, one headband, one paire of biggins and one shirt for a child, one other vale of tiffanie, one lyverie cupboord and all theirin, one square cushinett unmaid upp, one butterie baskett, one dozen of pewter plaites, one linke of a gold chaine, one pomander, one little cushionett, one wrought smocke, one presse to hang gownes in, and one greene chair and two stooles remaineing alsoe at Fountaines. To Honor Jackeson, the said Elizabethe's sister, one chest barred with iron, one cushion cloth of callico edged with bone lace, one vale of blacke cipresse, one blacke fann, one little cabbinett with glasses and a little silver peece in it, one booke called Mr. Smithe's Sermons, my best lookeing glasse, one needleworke purse, cushionett and knyves, one kaye bone sett with pearle, one paire of gloves imbrodered with gold, one wrought wastcoat with silke, and another with cruell, one trunke, one linck of a gold chaine, one hoope ringe of gold, one silver tagg, a peece of bleazer stone, and a peece of unicorne's horne, one pumander, ten goldsmith buttons, one fine dyed ruffe, my sleeve silkes, and a cushionett belonging to them unwrought, two neckeclothes and two paire of edged coufes. To Debora Jackeson, another sister of the said Elizabethe's, one fann, one blacke scarffe, one greene velvett purse and cushionett, one paire of knyves, one paire of gloves with gold lace on the toppes, one chaire with a cover of velvett, one long cushion of needle work, one pallace sheet with a seame through it, one three leafed sheete, one face cloth, one gold ring with a stone in it, ten goldsmith buttons and a lincke of a gold chaine. To Priscilla Jackeson, youngest sister of the said Elizabeth, one painted boxe and that is in it, one great pewter possett boule, one blacke flatt chest, one purse grounded with silver, one lincke of a gold chaine, one gold ring with a seale, one chaire with a cover of velvett, two needle worke cushions, a little greene chaire and tean goldsmith buttons. To my sonne-in-lawe, George Dawson, if he pay to the said Thomas Jackeson 70*l.*, one paire of andirons, a paire of tonges, and a fire shovell, one greene carpett of brodecloth with a cupboord clothe to it with a greene silke fringe, one cesterne of pewter, one great flagon of pewter, two pewter candlestickes, two chargers, and a pastie plaite, sixe deepe dishes, two platters, two fruit dishes and one round pie plate, all of pewter, all markt with my husbande's armes and myne, which were lent by me to my daughter Dawson; also one paire of virginalls and a chest of vialls. To Francis Dawson my grandchild, upon the same condicion, a casting bottle of silver and gilt, etc. To Dorothie Dawson, her younger sister, one paire of gold braceletes, one currall with a chaine at foure bells of silver at it. To Mistris Mallerie one blacke silke cloake. To Bridgett, wife of Raphe Hasleam, the kinge's armes, three pictures, one called Will Sommer, another king Phillyp, and the third Jane Shore, the plodd curteines in the windowe at Fountaines, etc. To the Ladie Darcie, a large picture of the late Queene Elizabeth. To Margrett Scott, my servant, one smoothing iron, three setting stickes, one side saddle, one brushe, one service booke, one Prayer booke, one other booke called Frailtie and Faith, and one old great trunke haveing holling backe in it. To William Thornton, my auncient servant, one service booke which hee reades service in on Sundaies, and one caliver with a fire locke. My sonne-in-lawe, Thos. Jackeson, sole exr. (Pr. at York, 11th May, 1625, and adm. to the exr.)

Fountains Abbey, on Sir Stephen Proctor's death, descended to his daughters, their mother being also interested in it.

On May 9th, 1622, Dame Honora Procter, relict of Sir Stephen, and three of his daughters and coheirs and their husbands, viz., Thos. Jackson (of Cowling), and Debora his wife, George Dawson (of Azerley), and Priscilla his wife, and Stephen

Pudsey (of Arnforth), and Beatrice his wife, by deed and fine grant the property to Sir Timothy Whittingham, of Holmside, co. Durham, knt., for £3595.

Sir Timothy Whittingham was the eldest son of the well-known Calvinistic dean of Durham, and it is curious to find him the owner of the remains of an old Roman Catholic establishment. How he would gloat over the ruins of what he considered to be pagan idolatry. Whittingham had purchased, in 1613, the estates of the Tempests, at Holmeside, in the county of Durham, a younger branch of the family that had at an early day possessed Studley. His title deeds could not fail to make him acquainted with Fountains abbey. He only held it for a brief space, selling it at a loss. On 15th Oct., 1st Car. I. (1625), Sir Timothy Whittingham, with Thomas Procter, esq., Thomas Whittingham son of Sir Timothy, Thomas Clark, and Gerard Birkhead, by deed of feoffment, convey Fountains, etc., to Humphrey Wharton, of Gilling Wood, esq., for £3,500.

Mr. Wharton (whose pedigree is well known), did not keep Fountains long. On 27th May, 1627, Humphrey Wharton, esq., and Thomas his son, Broythwell Lloyd, esq., and Honora his wife, another of the coheirs of Sir Stephen Procter, convey the property to Richard Ewens, of South Cowton, esq., and his heirs, for £4000 (his son-in-law, John Messenger, advancing £2700 of this sum).

Mr. Ewens left an only daughter and heiress, Elizabeth (bur. at Ripon, Oct. 18th, 1675), who became the wife of John Messenger,[1] gent., of Newsham, in the parish of Kirkby Ravensworth. As the pedigree of this family is unknown, I shall give it somewhat in detail. Mr. Messenger had a Quo Warranto brought against him for the Liberties of Fountains in 22nd Charles II. He seems to have had four children; his two sons were educated at Douay.

1. William Messenger, eldest son and heir.

2. Ewens Messenger, who joined his brother in granting an annuity of £100 to his father out of Fountains, 20th Car. II. On Oct. 20th, 1698, he made his will, describing himself as of "Dalebanck in ye constabulery of Bishop Thornton, gentleman." He mentions his father Ingilby. To Mary, his dear wife, whom he appoints executrix, he leaves his lands in Bishop Thornton for life, with remainder to his son John. The

(1) He had a brother, whose son, George Messenger, of London, appears in the entail. A Henry Messenger, of Newsham, married and had children by Elizabeth, daughter of George Meynell, of West Dalton, esq., who died in 1660.

residue is left to his two daughters, Mary and Elizabeth, when twenty-one. Proved at York, 16th May, 1699. The sum total of the inventory of his goods amounted to £607 15s. 4d. Among them were "a silver tankerd, a dozen of silver spoones, a silver tumbler, and six salts," valued at £10.

WILLIAM MESSENGER, of Fountains, gent., son and heir. Bp. at Ripon, 7th Feb., 1629-30. On 28th Dec., 1678, he settled certain property to raise portions. He made his will 20th May, 1679, in which he calls himself "William Messenger of Fountaines Abbey, gent." "To my eldest sonne, John Messenger, my lands, etc., in Fountaines, Swanley, and Morkar. To my beloved wife, Elizabeth M., £50 per ann., during her widowhood, and to the child she is with £400. To my three daughters, Elizabeth, Mary, and Anne M., £400 each, when 21, or when married. To the poore of Rippon parish, £5. My wife and my brother Ewens M. executors, and if they die, my beloved friends, Michael Wrightson, of the Six Clarks's Office, London, John Constable, alderman of York, and Wm. Bilton, of Clapham Greene." *Seal*, a chevron between three helmets.

He married Elizabeth, dau. . . . . Yeoman, who had a good fortune. Her will is dated 17th Dec., 1694 (pr. at York, 29th Jan., 1694-5), "to be decently interred amongst my deceased relations in the collegiate church of Rippon. To my doughter, Ann Messenger, £1400, £1000 whereof is owing to me by Mr. John Douglas, of Newcastle-upon-Tyne, and £400 by Mr. Ralph Errington, of Newcastle aforesaid. To my daughter, Elizabeth Tanckred, one silver salver with three silver casters. The rest of my silver plate, which I bought myselfe, I give to my doughter, Ann Messenger. To my loveing sonn-in-law, Thomas Tanckred, esq., £40. To my loveing sonn, John Messenger, all my goods and stock, and my lands in Hartwith and Winsley—sonn-in-law, Thomas Tanckred, of Fountains, esq., exor., and I give him twenty nobles to buy him murning, and give him the tuition of my children." Their children were:

1. John Messenger, eldest son.
2. William, born 5th Oct., 1679.

1. Elizabeth, born 22 Jan., 1672, had £500 settled on her by her father in 1676, she married (Sir) Thomas Tancred, bart.

2. Mary, born 10 Nov., 1674, bur. at Ripon, Dec. 6, 1686, had £500 settled on her in 1676, and another £500 in 1678.

3. Ann, born 31 Aug., 1678. By the settlement of 1678 she was to have £700.

JOHN MESSENGER, esq., of Fountains Abbey, eldest son and heir, born 27th Aug., 1676. He married Margaret, daughter of Simon Scrope, of Danby, esq. Marriage articles dated 16th Dec., 1698, and settlement after marriage 1st March, 1717. She was to have £1500 when her first child was born. She was living in 1736. Their children were:

Michael James Messenger, "son and heir apparent."
John, born Jan. 18, 1700.
William, living in 1768, having then a daughter, Mary, who died, aged about 15.

MICHAEL JAMES MESSENGER, of Fountains Abbey, esq., Will dated June 19th, 1765 (pr. at York, 27th March, 1766). He died 19th Jan., 1766, and was buried in the chapel yard of Aldfield, by his own direction. He married Elizabeth, only daughter of Nicholas Sayer, of Wilford, Notts., gent., who had £1500 to her fortune, and was living in 1768. Her marriage articles are dated 21 Aug., 1736. They had issue:

John Michael Messenger, only son.
Margaret, md. 4th June, 1758, Walter Strickland, of Sizergh, esq., who died s. p. in 1761; secondly, Mr. Thos. Mitchell, of Angram. She died childless.

JOHN MICHAEL MESSENGER, esq., of Fountains Hall, sold the abbey, and afterwards resided at Cayton Grange, which he bought of John Iveson, of Ripon, esq. He died at Cayton, 13th May, 1806, in his 67th year, and was buried at South Stainley, M. I. He was married at Romaldkirk, 6th May, 1786, to Anne Mary, eldest daughter of Michael Tunstall, of Durham, esq., who was living, a childless widow, in 1812.

On 22nd Dec., 8th George III. (1768), John Messenger, esq., conveyed the manor and lordship of Fountains, and other premises (estimated by an old survey at 543 acres) to William Aislabie, esq., of Studley, for £18,000. Henceforward the descent of the abbey is identical with that of the neighbouring domain of Studley.

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FINIS.

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# ERRATA.

## VOL. I.

Page x, note 5, line 3 from bottom, for *gestatum*, read *gestarum*.

„ xiii, line 5, for *entierty*, read *entirety*.

„ xxiv, note 1, line 2 from end, for *placitum*, read *placidum*.

„ xlix, line 3, for *abbot*, read *abbey*.

„ 2, line 3, for *inpresentiarium*, read *inpresentiarum*.

„ 6, note 10. The quotation wrong.

„ 8, line 16. The comma should be after *desiderio*, and not after *congaudens*.

„ 17, note 7, line 6, for *lupina*, read *lupinam*. *Tutus* seems a better reading than *corda*.

„ 18, line 18. Nil agit exemplum litem quod lite resolvit. This is from Horace, Sat. ii, 3, 103.

„ 29, line 22, for *elucessit*, read *elucescat*.

„ 31, note 14, line 6, for *Arch*bishop, read Bishop.

„ 37, note 6, for *I. Thess. iii.* 10, read *Gen. iii.* 3.

„ 42, note 19. This should be printed as a continuous quotation from Ecclesiasticus.

„ 47, line 7, for *quidam*. read *quiddam*.

„ 48, line 2, for *longamines*, read *longanimes*.

„ 49, note 2, line 9, for *vitia*, read *et vicia* (*i.e.*, and of vetch).

„ 49, note 6, line 7, for *Claremvalli*, read *Clarævalli*.

„ 50, note 6, line 5, for *last chapter*, read *last chapter but one*.

„ 52, note 7, line 15, after *Simeon*, insert *servorum*.

„ 73, line 13, for *fidei*, read *fide*.

„ 79, note, line 14. for *lectionum*, read *lectiones*; line 15, for *signantes*, read *signanter*; line 19, for *conditione*, read *eruditione*.

„ 80, note, line 8, for *longum*, read *longa*.

„ 80, note 7, line 8, for *est*, read *esse*; line 9, for *sanctitate*, read *sanctitati*.

„ 81, line 5, for *Claravallensis*, read *Claravallensibus*.

„ 81, note 5, line 2, for cccxc., read cccxx.

„ 87, note, line 22, for *unde*, read *ibidem*.

„ 92, note, line 31, for *destitutis*, read *destitutum*.

„ 95, note, line 20, dele *the*.

„ 101, line 8, dele the period after *odium*: and for *Fontanensem*, read *Fontanense*.

„ 103, note 11, line 9, for *constitentes*, read *consistentes*.

„ 104, note 4, paragraph 4, line 1, for *ripes*, read *ripas*; line 2, for *sumurstriges*, read *somurstriges*; and for *atque*, read *utque*.

„ 107, note, line 15, for *famosissimam*, read *famosissimum*.

„ 110, note, last line, for *libant*, read *Libani*.

„ 111, note, line 6, for *delectantur*, read *delectatur*; line 7, for *æterna*, read *æternæ*; line 30, for *adputandum*, read *ad putandum*; line 31, for *ad*, read *at*; line 35, *Ut Patri Filium immolaret* refers to the Act of Consecration; line 42, for *infectus*, ? *interfectus*.

## ERRATA.

Page 112, note, line 2, for *accuratam*, read *accuratum*.

„ 113, line 15. The MS. reads *detinueat*.

„ 115, note 10, last line, for *migravit*, read *migrat*.

„ 119, line 3. *Temptus*. The MS. has *temperius*; note 15, line 3, for *constitutos*, read *constitutus*.

„ 120, line 10, for *cibi*, read *cibo*.

„ 120, line 21, for *guttere*, read *gutture*; line 24, for *quiddam exuens*, read *quid ex ejus*.

„ 124, note, line 26, for *postestate*, read *potestate*; line 41, for *quoque*, read *quœque*.

„ 125, line 6 from bottom, the quotation is from St. James ii. 13.

„ 126, line 7, for *effusionem eum*, read *eam* or *effusione*.

„ 127, note, line 14, for *facinorosam*, read *facinorosum*; line 20, for *salutæ*, read *salute*; line 25, for *Ibid.*, read *Gale*; line 29, for *infestis*, read *infestus*.

„ 128, line 21, for *inchoatum*, read *inchoatam*.

„ 132, note 1, line 6, the *middle aisle*.

„ 135, note, line 5 from bottom, for 644, read 634.

„ 136, note, line 9, for *Elienæ*, read *Eliensis*.

„ 137, note, line 46, for *et*, read *ed*.

„ 141, note, line 24, for *conveut*, read *convent*.

„ 162, line 1, for *tissimum*, read *tissimam*, unless *fructum* is read for *requiem*; and line 20, for *æquinimitate*, read *æquanimitate*.

„ 169, note, line 12 from bottom, for *is*, read *it*.

„ 171, line 3, for *sanctuque*, read *sanctoque*.

„ 173, line 6, for *Eboracensem*, read *Eboracense*.

„ 180, xxl, line 8, *volentes*, ? *nolentes*.

„ 195, xxxvi. A comma instead of a full stop at the end of the paragraph.

„ 201, line 8 from bottom, for *provenencium*, read *provenienciun*.

„ 226, note 1, line 1, read *This is in the fourth volume*.

„ 269, note, line 12; and 27, note, line 1, an *a* has dropped out in the printing.

„ 273, note, line 10 from bottom, for *martyris coronetur*, read *martyrio coronatur*.

„ 300, line 6 from bottom, for *alienendum*, read *alienandum*.

„ 308, line 13, for *percipendum*, read *percipiendum*.

„ 342, line 12, and 349, line 15, for 1, read 2.

„ 419, line 2, for *accidentaly*, read *accidentally*.

„ 423, line 13, for *adjutricies*, read *adjutrices*.

## VOL. II.

Page 13, note, line 5, for *Richard III.*, read *Richard II.*

„ 36, note 1, line 1, for *Magna*, read *Magno*.

„ 45, last line, for *nuniciante*, read *nunciante*.

„ 51, note, last line, for *ignoros*, read *ignaros*.

„ 55, note 5, last line but one, a letter dropped out.

„ 94, line 25, read *Sub.-lib. Bodl.*

„ 209. By a typographical error this is numbered 309, and so on to the end of the volume.

„ 219, line 20, for *xj.* read *xli.*

„ 237, last line but one, for *leters*, read *letters*.

„ 350, in Mr. Fawconbridge's Information, *Sir* is several times printed *Srr*.

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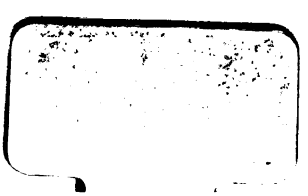
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